

DEATH IN PORTUGAL

**Studies in Portuguese Anthropology
and Modern History**

Edited by

**RUI FEIJÓ, HERMINIO MARTINS,
and JOÃO DE PINA-CABRAL**

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THE EDITORS

HERMINIO MARTINS

INTRODUCTION

TRISTES DURÉES

How do we account for the spread of historical studies of death throughout the Western world in the last fifteen years or so? Some critics of this historiographic movement have tried to derive it from the circumstances of the long domestic and international peace in the West - in comparative terms - as well as the lack of biological catastrophes like the pandemic which after World War I resulted in more victims than the armed conflict itself. Such an unusual period in social demography with steadily rising life-expectancies and the relative absence of mass violence within and between Western polities is supposed to have precipitated - perhaps in conjunction with the pervasive balance of thermonuclear terror - a rising concern amongst humanistic scholars with the institutions of death *per se*, rather than with the natural and social causations of human death. This curious resort to intuitions in the area of the sociology of knowledge, linking the Pax Americana to the changing distribution of interests and research agendas in the historical profession, may perhaps stem from the barely disguised sense that the topicalization of death in the contemporary historiographic consciousness is an aberrant, perhaps even irrational phenomenon that calls for explanation. This is a very questionable presupposition, deriving from a metaphysic of radical secularism which in itself cannot become the yardstick of the researchable without serious questioning. On the contrary, it could be argued that the systematic disattending to the practices and beliefs concerning human death by standard historiography, when such a large proportion of the material culture and artistic legacy of the past in every civilization is manifestly death-concerned, has been the result of a persistent *epoché* or suspension of interest in the phenomena under study, which however warranted heuristically could not become permanent without seriously

vitiating historical knowledge. Social anthropologists have never been guilty of this particular failing, although curiously enough it is only recently that historians have used to any significant extent the analytical insights, conceptual tools and background knowledge achieved in this area by anthropologists - at least since Robert Hertz's and Arnold van Gennep's classic works. A landmark in the social anthropology of contemporary institutions was the work of Lloyd Warner in his series on 'Yankee City', in which one of the volumes was devoted to this area of the cultural symbolization and ceremonialization of death although it had comparatively little impact at the time.

A less contentious factor that surely accounts to some degree for the high receptivity within and outside academia to the 'new history of death' has been the social criticism of Western death practices especially prominent in the USA which developed in the 1960s and which eventually generated an abundant literature, the bulk of which is certainly partisan, practical, clinical, pedagogic, repertorial but which also includes a good deal of significant scholarly work (although all the adjectives listed can also apply to the latter, to be sure). One of the earliest - one hesitates to say the earliest but I do not know of any other candidate for this accolade - texts in the English-speaking world of social criticism of contemporary practices concerning the dying, the dead and the bereaved was Geoffrey Gorer's article in the magazine *Encounter* (October 1955) entitled 'The Pornography of Death'. Gorer's argument, which eventually became a cliché, was that the waning of Victorian taboos concerning sexuality had taken place concomitantly with the rise of interdictions and obligatory silences concerning death, leading to a kind of social invisibility of death and considerable restraints in certain social strata on the expression of grief and the practice of mourning. His subsequent social survey in Britain, published in 1965, seemed to confirm the general line of argument, although marked class and regional differences were noted. I know of no substantial British studies since then, although it would seem plausible to believe that the phenomena described by Gorer are more prevalent today and more uniformly spread across stratificational and regional demarcations than at the time of his social survey.

It is noteworthy that although the self-image of British sociology over the last quarter-century has persistently been of a critical, radical, oppositional, demystifying, even alienated discipline, certainly by comparison with American sociology, the topic of contemporary British death institutions which to outsiders seem to represent an extreme case in the spectrum of Western variants (even allowing for the special consideration that Presbyterian Scotland deserves as an exception to British national norms in this area) gets barely a mention in its considerable scholarly output. This is in contrast to American sociology, which even in its more conservative or complacent heyday produced the first ethnographies of contemporary hospital death and the first debates on the nature and evaluative import of contemporary death attitudes as a major indicator of the quality of American civilization.

It seems that in the area of death there is no quarrel between British sociology and British society although criticism of most other institutions - gender and the family, ideology and established science, class, power, status, language practices - has been elaborate, sharp, often vastly documented and copiously argued. Across the Channel, French sociology and anthropology have used theoretical sources similar to those used in British social thought - e.g. Critical Theory - to analyze contemporary Western death in comparative and historical perspective, using the familiar Anglo-Marxist categories of capitalism, alienation, reification as well as Heideggerian hermeneutics. The silence of British sociology and social anthropology concerning contemporary Western death institutions, especially in Britain itself, is anomalous in terms of their counterparts elsewhere in the Western world. The reception of Foucault in the last few years might produce a shift in view of Foucault's well-known interest in the political anatomy of the body and the micro-political management of life and death processes in increasingly scientized organizational settings like hospitals, prisons, schools, etc. But such a heavily politicizing reading of institutions detracts from the proper consideration of the *tremendum* of death and the necessarily and radically symbolic perception of death's mystery as constitutive of the human condition. The failure of British social thought in this area, in contrast to both French and American social science, brings out the atrophy of the metaphysical and moral imagination of the underlying scholarly community particularly clearly; doubtless reasons of a structural kind could be advanced in accordance with the prevalent methodological dogma (in British social science) of the primacy of structural determinations uneasily married to an anti-positivistic, pro-hermeneutic bias. Although practically everyone is formally against 'positivism' as a methodological doctrine, what is perhaps the core of positivism - the prohibition of metaphysics ('there is no *depth*', Neurath used to say) - remains effective, although now that by ministerial whim the 'social sciences' have lost that title the quondam 'social scientists' will not have to strive so hard to avoid fundamental thought and the cultivation of the metaphysical imagination (the comparative study of civilizations can provide salutary training in this, and the transculturation that social and cultural anthropologists generally undergo partially exempts them from the strictures I have advanced; an extreme form of cultural relativism can turn it from a heuristic into a stultifying dogma). As there is nothing that is more capable of generating metaphysical concern among human beings than the *fatum* or the *factum* of death there is perhaps some point to the avoidance of death topics by those committed to the intramundaneity of scholarly endeavour and social practice.

There is a more specific point that should be made here, although it emerges from the recent spate of historical studies of death: the institutions of Western death are closely connected with the history of Western individualism as a system of cultural values and a nexus of enabling and sustaining legal and political practices (testamentary norms and their bearing on kinship

institutions being an obviously critical instance). To neglect the institutions of human death is also to neglect the questions concerning individuation and personhood, or at least important phases thereof. The recent numerous challenges to Mauss's famous essay of 1938 on the category of the person represent challenges to its vindication of Western moral and political individualism following from the overthrow of the category of the subject from epistemology, the soul from psychology, the mind from behavioural studies, the agent from structuralism (in some versions at least), or the replacement of the human agent by the extraordinarily skeletal surrogates to be found in rational choice theory (yet another avatar of utilitarianism), or in diluted versions of Kantian moral philosophy. The great essays of Hertz on death and Mauss on the person should be read together now that we can appreciate in the light of recent historical work how every great transformation in the moral history of Western individualism has been closely linked to changes in the regimes of death perception and modes of making sense of it embodied in varied iconologies, the best-studied cases being those concerning the great transformations of the 11th-12th centuries in the Latin Christian West, long before the dubiously argued emergence of 'possessive individualism' in the Puritan-bourgeois world. The attack on the Maussian defence of Western personalism - the choice of the term 'person' rather than 'individual' is not solely Durkheimian in inspiration since it goes back to the pro-socialist neo-Kantian thinker Renouvier - is not inspired solely or primarily by the need to relativize the more dated aspects of his formulations. Certainly a good deal of Western social theory in every branch of the social studies is metaphysically problematical because it is so often so unreflectively the by-product of a general mentality which could be reasonably characterized - to paraphrase a famous saying - as 'Protestantism minus Christianity', or the self-reflection of a residually Protestant outlook; and in fact a good deal of early social science even to the early 1920s was in a literal sense the product of Protestant ministers or their offspring, but the really decisive factor was the pervading outlook and the attempts to socialize or sociologize a primordial religious individualism. (How odd that T.H. Huxley's witty saying about Comte's 'religion of humanity' - 'Catholicism minus Christianity' - should be so widely recalled. After all, Comte's venture failed and the other version of social and philosophical thought - 'Protestantism minus Christianity' - although or perhaps because it has been the dominant one, goes unrecognized under that accurate, thought-provoking description.)

To take the institutions of death and of personhood as interdependent is to cross-check in an illuminating way both our sociological and our metaphysical intuitions concerning forms of life and the meanings of death which radically characterize them. To abolish the subject in epistemology or the agent in social theory are perhaps magical incantations against death, although there are innumerable ways of providing accounts of human society whether in the concern over the microfoundations of social theory or in

holistic macrotheory where death is treated largely as a boundary condition of human action rather than the matrix and the radical horizon of human existence - essentially an actuarial or praxeological view of the matter. It is disconcerting to note that in the vigorous and protracted apotheosis of consciousness as the ground of social cognition which became so central in British social theory (and to a lesser extent in the wider English-speaking world) the radically horizontal character of death is rarely made much of.

Yet Schutz, the key figure in the reception of phenomenology in social science in the English-speaking world - at least until the Heideggerian exegetical industry took off, although whether phenomenology can truly include Heidegger's idiosyncrasies is a moot point - made the case for the centrality of death in basic sociology - i.e. the account of how human beings construe the world in the commonsense understandings that make society possible. One may not agree with the formulation which invokes certain axiological peculiarities as appertaining to the *homo humanus* rather than to *homo faber*, but on the whole it is worth evoking here partly because although contained in a famous paper 'on multiple realities' it has led to little elaboration compared to so many other theses of this influential thinker.

[The whole system of relevances which govern us within the natural attitude is founded upon the basic experience - of each of us: I know that I shall die and I fear to die. This basic experience we suggest calling the *fundamental anxiety*. It is the primordial anticipation from which all the others originate. From the fundamental anxiety spring the many interrelated systems of hopes and fears, of wants and satisfactions, of chances and risks which incite man within the natural attitude to attempt the mastery of the world, to overcome obstacles, to draft projects, and to realize them.

One could hardly be more emphatic about what one might call the matrix-character of death in the primordial human world of the 'natural attitude' of commonsense realism, the 'paramount reality' of the world of working. It could be followed through the other subuniverses of reality or the 'finite provinces of meaning' which we variously occupy - the world of play and ludic activities including the *fêtes* which have become the preoccupation of much social history and contemporary social commentary, the world of dreams, of phantasms, of the scientific construals of the nature of things. These 'multiple realities' are characterized by specific tensions of consciousness, specific *epochés* or suspensions of doubt (the Cartesian move being a radical suspension of the suspension of doubt), experiences of the self, etc. It may be noted that the transitions across multiple realities are characterized by leaps or 'shocks' of consciousness, the phenomenological correlates or counterparts of the liminalities in the forms of life that are so central to the anthropological perspective, with death

as in some ways the paradigm-case of liminality certainly forcing the essential features of the phenomenon, as it were, out into the open (Mauss, in reacting critically to van Gennep, had already warned that one could all too easily see liminalities or transitions everywhere; but some inflation is inevitable when one introduces new analytical terms). In the often enthusiastic reception of Schutzian phenomenology - welcomed partly because its emphasis on consciousness afforded relief from statistical empiricism and normative functionalism - his focus on death has played almost no part. It is true that sociological ethnographies of hospital death in contemporary America have in fact been guided by theoretical perspectives akin and indebted to Schutz's, but they lack any sense of the centrality of death in general social theory or global social evaluation.

Social criticism and commentary on how we die in the West today has produced such a large body of literature that it is impossible to review it adequately in anything less than a monograph. But some of the salient lines of argument should be picked out here as they inevitably form the background to inquiries into the death systems of other cultures and periods. The danger here is not so much that the dominant modes of Western death today could be regarded in the classical evolutionist or even neo-evolutionary way as the peak of social or cultural evolutionary development, although in some American discussions of the 1960s a sophisticated version of this type of argument was put forward with regard to specific American death practices rather than with regard to those that have become increasingly common to all advanced industrial Western societies (the British version is so different from the American that a special case would have to be made for its evolutionary index). In cognitive-developmental terms again it would be difficult even in the Piaget-Kohlberg model of levels of moral development to assess our death practices as ranking at the top of the scale in terms of the criteria of universalism, reversibility, egalitarianism and the like, at least in overall terms. Rather the danger has been to idealize the past or at any rate to compare unfavourably British death practices, especially since about 1945, with late-Victorian ones or American death ways with those prevailing in some pastoral or Puritan period. I shall briefly recall the social criticism of contemporary dominant Western death ways which do not of course hold good uniformly across religious, ethnic and regional diversity but represent or purport to represent certain typical and unfolding tendencies, especially in the USA and England, making up a kind of 'developmental ideal type' but operating by diffusion and/or endogenous mechanisms elsewhere in the West - certainly in France for example. Social critics are strongly tempted to 'invent' - in the classical rhetorical sense of 'finding' or 'retrieving' for an argumentative discourse rather than in the contemporary sense of 'making' without precedents - a utopia of human death enacting the central value of dignity through its cosmology and rituals. Thus Francophone social scientists have been especially prone to find these death utopias in Black Africa or Afro-Brazilian cults even in the social context of underprivilege

and, on occasion, of punitive social controls. Modernization theory rarely made explicit the implication that in modernizing societies orientations to death would also change and the 'Westernization' of death would also be one of the social costs incurred. Within the Western world where American society has been the paramount model in many ways it is however less appropriate to speak of an 'Americanization' than of an 'Anglicization' of death since it is the English version of Western death that seems to be spreading more widely (the American practice of impermanent embalming, the viewing of the embalmed corpse by relatives and friends, the wake etc. is not a cultural package that has been exported much), both in the thanatopraxis of cremation which is spreading even in Portugal with the blessing of the Catholic Church and in the cultural ideals of dying with 'a minimum of fuss and embarrassment', the hiding of grief and the steady disappearance of mourning (or at least the growing lack of institutional support for such practices). The result is a kind of social invisibility of death. An important point in comparing the American and the British orientations to death is that the strength of civil religion in American society is in some ways much greater and the death system in American culture is much more closely implicated with civil religion than in other Western societies - a phenomenon already noted by Lloyd Warner in his classic discussion of Memorial Day in Yankee City (he did not, of course, use the expression 'civil religion', but he did portray it nevertheless, especially its integration with the institutions of the cemetery and funeral rituals). All these phenomena are of course subject to creoscentic change but despite the exuberance of social movements and the articulateness of social critics in American society, the pattern has shown considerable tenacity - just as death historians like Ariès would have posited since death systems typically partake of the time-scale of the *longues durées*, slow to take shape and capable of enduring in their basic format for many decades and even several centuries. American civil religion was partly reshaped by the emergence of Lincoln as one of the central culture-heroes, and the characteristic practice of temporary embalming started with the Civil War. Wars, whether international or civil, can play a part in redefinitions of death though the Second World War had perhaps a less specific and tangible impact than the First, without such cultural innovations as the Tomb of the Unknown Soldier and the Cenotaph (resisted in the British War Cabinet as an improper concession to Celtic emotionalism, although it turned out to be a success in terms of public response beyond all expectations).

I will briefly summarize some of the main lines of recent social criticism of contemporary Western death ('normal', non-violent death especially) under four headings.

(i) The hospitalisation and medicalisation of death (as of birth) as the typical locus and context of death which in recent years has encompassed an ever larger proportion of the population through life's termini. This phenomenon lies at the intersection of several analytically distinct but often empirically coincident

trajectories and trends in the history of the modern West: the encroachment of 'total institutions' (which of course lack 'institutionality' in the sense of moral consensus and cultural sedimentation) upon ever more specialized and differentiated spheres of life; the increasing techno-bureaucratic administration of human beings, with its consequent processing according to impersonal rules and bureaucratic equity, and regular credentialism (which involves the dead too, for legal death hinges on certification); the intervention of 'medical apperception' (the best translation I can offer for Foucault's famous phrase '*le regard médical*') in the consideration of human crises or the increasing scope of medical definitions of human reality, predicated on a sense of the legitimacy, *sui generis*, of biomedical science and a very fast tempo of advance in curative medicine (though medical interventionism is not uniquely related to prevalence of instrumental activism in the general value system, as the examples of the British predilection for psychosurgery or the Brazilian medical emphasis on Caesarian births indicate). The very definition of death has been changed in the statute books of many polities as a result of the Harvard conceptualization of brain-death as the criterion or the master indicator of human death proper; it is questionable whether the redefinition of death by biomedical science does more than erode commonsense understandings. By making death more and more a matter of medical decision to withdraw life-support systems, with all the medico-legal and deontological problems involved, the dying person and the family become subordinate to techno-scientific authority. Recent tragic cases in everyone's memory illustrate this vexed issue. Countertrends partly grounded on concern over iatrogenesis and the medicalisation of society as in itself a pathogenic phenomenon, as well as ethnographic studies showing the brutalization that may be incurred in the techno-bureaucratic management of total institutions, have led to the rise and spread of the hospice movement which goes some way towards mitigating the harsher features of medicalised death.

It is still remarkable in the light of the episodes of social protest and collective outburst against changes in death practices which ecclesiastical and/or political authorities have tried to implement on repeated occasions against local social customs and collective representations - one major episode in the intermittent war in Europe over these issues is discussed in the paper by Feijó and Pina-Cabral in this volume, and Ariès in his *magnum opus* discusses the successful resistance to another such move in the early Third Republic - that the emergence of contemporary Western deathways in the last sixty years has in practice taken place with comparatively little to note in the shape of significant social protest. This is particularly striking in view of the notorious resistance to scientization, e.g. in the anti-fluoridation movement in the USA and the environmental, ecology or 'green' movements of one sort or another. Even more generally death-focussed social movements in the USA have been relatively exiguous, the tiny cryogenic movement being a good case in point. Animal liberation and anti-vivisection movements that oppose not only cruel animal

death inflicted by humans under techno-scientific auspices but also other forms of killing animals have been more prominent and certainly illuminate the depth of our sense of death. It is worth noticing that 'green' protests have not had more impact upon definitions of human death in societies allegedly dominated by a 'productivist' ideology and a Promethean attitude to the non-human environment, especially in view of the pantheistic or naturalistic world images associated with some currents of this family of movements. This is perhaps because changes in Western deathways have taken place in recent decades largely through creative processes in civil society without the great initiatives that ecclesiastical and political leaderships have taken in the past to bring about rapid, overt conformity with official norms. The spread of cremation, for instance, has been largely promoted by voluntary associations bringing about permissive changes in the statute law, under the legitimating appeals of scientific rationality and utilitarian standards of public hygiene and lack of *Lebensraum*, although an examination of the literature of such associations reveals more primordial evocations of fire imagery and redemption through fire; indeed the mingling of rational-utilitarian considerations and magical-alchemical images is quite symptomatic of quite a range of contemporary esoteric beliefs outside formal religious institutions.

(ii) The deritualization of death. This is apparent most strikingly perhaps not only in the contraction of religious observances *per se* but also in the virtual extinction of mourning from some sectors of Western society. This is not simply a by-product of secularism in the more operational sense of that term: an important example is the transformation of Catholic liturgy, specifically of one of the key sacraments of the post-Tridentine Catholicism, an enduring and distinctive institution which millions of the faithful have taken for granted, the Extreme Unction now changed (and renamed) to the Unction for the Sick (the change in the name compresses a theologico-liturgical revolution). Changes in procedure and wording of that sacrament and the prescribed mode of its application involve a reconceptualization of death which pastoral practice may modify, since the religious history of Christian death demonstrates how local definitions of reality can prove resistant and lead to reinterpretations of considerable significance in actual religious or socio-religious experience. But the recent activist disposition of many priests, in conflict with local religion, especially in Portugal, replicates within the Church the struggle of enthusiastic 'enlightened' modernizers against 'backward', 'ignorant', 'superstitious' villagers (formerly dismissed by liberals and republicans, and later by Communists and urbanites, as 'priest-ridden' peasants managed via the pulpit and the confessional). This activism may well reduce the Church eventually to an enlightened minority divorced from oral tradition, ascriptive communities and the received natural symbols of age and gender as well as, at the national level, from any clear central tradition (becoming in a sense the mirror-image of the sect-type Communist Party).

(iii) The decay of the language of or discourse about death. From the perspective of the cultural sociology of modernity Zijderfeld has pointed to the remarkable ubiquity of the cliché as the linguistic currency of an abstract society which parallels the decline of what Benjamin called 'aura' in our experience of art in an age of the mechanical and electronic reproduction of images. If contemporary Western society is eminently cliché-genic no other area of human concern is as impoverished thereby as the expression of the affects about the dead, death and the dying: before the ineffable and the unspeakable the resources of illocutionary or performative speech-acts are strained to the utmost, and the ritual languages of the past which rendered allusively, through tropes and metaphorical observances that which defies expression, have become attenuated. The language of 'shifters', of liminalities, has been demagicalized by theological purists and ecclesiastical modernizers who seem to want to enlist in the generic ranks of 'transition technicians' like morticians and counsellors, whilst their custodianship of religious language, prophetic speech and kerygmatic witness appears to be relegated to the more conservative laity. It is odd that whilst the corruption of political language has been the subject of very remarkable analyses from varied perspectives of literary criticism and semiotics, the decay of death discourse and even more generally the hermeneutics of death languages has not attracted a similar degree of attention. Yet in dealing with the phenomenon of collective death, especially the genocidal acts of the 20th century, some have dared to articulate a way of speaking about the evil with dignity. The attempts to face the generic human phenomenon of natural rather than wholly man-made evil in Western society betray a lack of resources of cultural expression and widely received spirituality that the *artes moriendi* of the past were able to convey.

(iv) The meaninglessness of death. This topic as a component of the cultural criticism of the age became quite prominent amongst the German philosophical sociologists of the first quarter of this century, for complex reasons which deserve consideration but which cannot be discussed here. Suffice it to say that often Simmel, Scheler and Weber, *qua* philosophers rather than *qua* sociologists, advanced analyses of remarkable prescience concerning the cultural crisis of death definition in contemporary Western society as a historically specific phenomenon. Max Weber saw the peculiar meaninglessness of death in the West as a result of the process of the disenchantment of the world, one of the master-trends of recent 'universal history'. Disenchantment can also be translated as demagicalization, and he saw this a knowledge-situation in which 'no mysterious incalculable forces ... come into play, but rather that one can, in principle, master all things by calculation'. Through a reading of Tolstoy he seems to have embraced the view that he imputed to the Russian literary prophet:

... for civilized man death has no meaning ... because the individual life of civilized man, placed into an

infinite "progress".... Abraham, or some peasant of the past, died "old and satiated with life" because he stood in the organic cycle of life; because his life, in terms of its meaning and on the eve of his days, had given to him what life had to offer; because for him there remained no puzzles he might wish to solve; and therefore he had "enough" of life. Whereas civilized man, placed in the midst of the continuous enrichment of culture by ideas, knowledge and problems, may become "tired of life" but not "satiated with life". He catches only the most minute part of what the life of the spirit brings forth ever anew, and what he seizes is always something provisional and not definitive and therefore death for him is a meaningless occurrence. And because death is meaningless, civilized life as such is meaningless; by its very "progressiveness" it gives death the imprint of meaninglessness.

These eloquent words, it is pertinent to note, were uttered in his famous public lecture 'Science as a Vocation' delivered in 1919 at the request of meaning-hungry university students. (It has been claimed by Goldmann that Weber's friend Lukacs was a key figure in the history of modern death-thought by raising the issue of death in his metaphysics of tragedy and the theory of the novel as the epic of a God-forsaken world: the 'tragic vision of the world' as a basic world-image requires a solution to the meaninglessness of death via a move classically described as 'Pascal's wager', presumably exemplified by Lukacs' virtual overnight conversion to Bolshevism as the carrier of the mission of world-redemption assigned to the proletarian class in the epic of world-history. That was not a typical path to Communism, even amongst hyper-civilized intellectuals, but it does raise questions concerning the problem of meaning, soteriology and Marxist commitment.)

'Therapeutic positivism' in its many versions, including a good deal of contemporary psychiatry and more generally those forms of thought sometimes called 'Gnostic' which interdict ultimate questions, simply reflect and complement the mechanisms of social control which techno-economic constraints already exercise. In an oblique, allusive and circuitous way death-thought now often takes the form of thought about death-thought, and an important factor in this partial liberation from (non-Comtist) positivism has been the emergence of the new history of death. The breakthrough in scholarly receptivity and appreciation by the general educated public was achieved by the more or less simultaneous appearance of books by Ariès and Vovelle. The duality of this co-founding of the new field is striking. Ariès has been an independent scholar until recently without an academic attachment, earning his livelihood in the commercial world; Vovelle a career academic whose great book was a grand thesis in the *doctorat d'état* tradition which established him in the professorial mandarinat. Ariès comes from a Catholic right-wing traditionalist milieu, perhaps the finest historian to come from the world of the Action

Française who now describes himself as a 'conservative anarchist'; Vovelle, a Marxist, a member of the French Communist Party and a contributor to its journals, a Secularist interested in what he called 'dechristianisation' as part and parcel of the process of enlightenment. Ariès stresses the unimportance of political and ideological change in bringing about major transformations in death attitudes and claims that changes take place in the 'collective unconscious', at the interface of the biological and the cultural, processed through the non-conceptual *pensée confuse* or the realm that some epistemologists have called tacit knowledge and metaphysical intuition or 'constellations of absolute presuppositions', in principle not available to current consciousness, naive or critical. As against the emphasis on *mentalités* Vovelle claims the causal efficacy of articulated idea-systems or *idéologies* (*pensée claire* - relatively speaking), such as the cultural changes the illuminist campaigns of the Enlightenment presumptively brought about, although he tries to reconcile the reasonable claims that can be made both for *mentalités* and ideologies in a comprehensive analysis of deep changes in world outlook. Ariès has done the more sweeping work, covering eight hundred years of Western history whilst Vovelle in his classic thesis concentrated on a quite limited stretch of historic time and space and a homogeneous time-series of documents.

Some commentators, especially in the English-speaking world, although quite happy to use Ariès as someone to research and write against, go through the characteristic pretence that one should never write with the ambitious aims of Ariès but rather follow Vovelle's modest research practice with well-circumscribed aims and a consolidated data base preferably cliometrically manageable with a 'serial' character. If that criticism became a universally followed maxim there would be no-one to write against, the scholarly norms of the *doctorat d'état* would enjoy a cognitive monopoly and in the end death would cease to be good-to-think. Fortunately for the time being one Ariès can license many critical articles which otherwise would seem pointless. Although the differences between the two scholars are very real it would run counter to the avowed precepts of both to try to drive a wedge between the two styles of analysis (or indeed to contrast the historical synthesis of one to the more analytical approach of the other, since Vovelle has just published an important work of synthesis). Both involve a broadly hermeneutic approach in which literary, epigraphic, architectural, generally iconographic and iconological evidences are marshalled for their cross-implications in order to construct 'meaningful totalities' for distinct historical periods. Some hermeneutic theorists in the English-speaking world seem to advocate the hermeneusis of text-families in relatively limited segments of historical time, if only because semantic change and diversity are such that only intimacy with the mental universe of small thought-communities can be relatively secure from gross error and anachronism (Koyréan history of scientific thought demands the same kind of discipline). The Ariès-Vovelle approach combines a broad hermeneutic practice with a strong interest in

the determination of historical periods, not of course as discrete chunks of historical time but rather as moments of prevalence of one paramount but never exclusive death-attitude against others (if meaning, strictly speaking, is always 'local' then this approach is radically mistaken, but this precept-like methodological solipsism in the history of post-Cartesian Western philosophy would seem to invalidate cognitive practices which are inescapable in any case). There is a further commonality between Ariès and Vovelle: as the latter has explicitly argued, the death ways of a society provide an important key to assessing the quality of its life, an important ingredient of the moral criticism of a form of life, though Vovelle has not been as emphatic in characterizing Western death today as 'wild' (*sauvage*). Both may be seen as members of the *Annales* school, but whilst the categories of *longues durées* as the proper subject-matter of historical knowledge (not just of events or social institutions - to refer to the famous debate between historians and sociologists in the Durkheimian period) and of *mentalités* (as against the focus of conventional history of ideas) are integral to the shared capital of the school, the concept of 'attitudes' towards life and death as a relatively autonomous substratum of psycho-history is a distinctive Arièsian contribution. It seems odd that a practising member of a creedal ecclesia should so discount the impact of explicit doctrinal beliefs on the orientations to life and death even of the intellectual elites, for the very concept of 'orthodoxy' is a Western innovation, predicated on an exclusivist religion of the book, where formal theological rationalization has been consistently transmitted to the laity through a variety of organizational channels of which the mendicant orders in the urban medieval world were a successful example.

Recent neo-Marxists who have disputed the 'dominant ideology thesis' which claims that the ideological incorporation of the subordinated strata is a prerequisite for the stability of 'feudal' or 'capitalist' societies, and argue instead that ideological production is largely by and for the dominant strata, would concur with the thesis of the relative inefficacy of ideologies for the purposes of securing mass consent to the established order (Gramscian 'hegemony' is thus neither necessary nor possible for Western societies). Over the long run the recent historical studies of death ways do seem to point not only to the importance of elites - whether religious or lay - in reformulating thanatological orientations, but also on their effective diffusion to urban-bourgeois and artisan strata and beyond, although causal imputations in the etiology of such large-scale, long-period processes are certainly hazardous. Diffusionist models are back in fashion, not least in economic history; the propagation of cultural innovations in this sphere may not strictly follow general laws of collective imitation, but the detailed tracing of diffusion of testamentary practices in the urban mercantile and artisan world of 12th-century Avignon in the recent important monograph by Chiffolleau would seem to suggest a definite efficacy in the spread of new deathways from the great historic laboratories of cultural

creation, namely the Western Latin monastic institutions. It was there that a new sense of time - that the rational ordering of communal life according to the schedules of clock- and calendar time - as well as constitutional procedures of self-government and regular elections (veritable nuclei of Western politics) were elaborated, and spread via the mendicant orders to the urban milieu. To be sure, merchant capitalism with its rational accounting - if not yet rational by Pacioli's standards - and a new sense of commercial time interacted with the religiously grounded time-discipline and salvation-economy to generate a new calculus of masses for the dead and the construction of testaments as veritable charters of salvation arithmetic after the death of the testator. This shift was connected with the concomitant spread of the new model of Purgatory, now seen no longer as a limbo but a well-defined region of religious space and time in the great Beyond. This new model was not so much a direct response to the religious needs of the masses but, just like the cult of the saints which it would be equally facile to impute to the magical garden of the unrationalized world of the plebeian or peasant status groups, originated with religious virtuosi and spread over a long period to the lower urban and rural strata. To be sure, such transmissions of cultural practices across strata do not guarantee meaning-invariance, but the same is true in terms of meaning and use in the case of the 'hardware' of the technologies of production of the means of material life.

Whatever may be the fate of Arièsian periodization of Western death systems from the early Middle Ages to the 'wild' death of the present - or indeed of other similar schemes of the social and cultural history of Occidental deathways - it is surely striking that in a time-span of less than a millennium several appreciably different death regimes have obtained in succession within the same civilization. It is not clear whether in the lands of Orthodox Christianity, let alone other civilizations, such a complex and variegated set of historic phases of death systems of analogous scale and scope could be discriminated in the same or comparable analytical fashion. Ariès distinguished five death systems from the *Chanson de Roland* onwards involving variations in four themes - awareness of the individual, the defence of society against nature, belief in an after-life and belief in the existence of evil. Whilst the dynamic of Western civilization has been traced so often to technology and economy, it seems clear that instability in death systems has been also a very marked feature of it. To be sure, the civilizations of the 'Axial Age' - the cultural breakthroughs of the first millennium BC in the Eastern Mediterranean and in Asia - all involved major changes in orientations to death. But since palaeo-Christian days, within the same great cultural-religious continuum, religiously grounded - though not uniquely or completely determined by the Church elites - transformations in overall death systems have occurred at a number of junctures. The central fact of the literal human death of Christ, which required a resurrection, made death more salient in this religious outlook. The concern over the ontology and theology

of personhood manifest in the Nicene Creed and the Latin Christian interpretations thereof has been a constant and potent factor in consecutive elaborations of religiously validated soteriological and ecclesiological doctrines, which over the longest *durées* have unintendedly contributed to the formation of the distinctive type of the *homo aequalis* in the sharpest possible contrast, as the phrase implies, to the *homo hierarchicus* of the Hindu caste system.

Each death regime, far from being confined to the religious and aristocratic elites, seems to have reached nondominant status groups - partly through recurrent evangelizing campaigns, partly through the mechanism of the *habitus* which Panofsky boldly claimed (with religious architecture and scholastic philosophy informed by the same mental dispositions), now generalized by Bourdieu as a general principle of social formations, and partly through the multiple channels of cultural diffusion available in societies where the fashion principle became so important. Hence sumptuary laws proved consistently unavailing, and moreover a bitter hostility to the emulation of non-nobles was rife in the Paris of the Sun-King. There is indeed much truth in Harré's contention that in 'the iconography of clothing there is a ready-made model for all forms of social change' which deserves 'the closest possible study'. Kroeber in his pioneering study (with J. Richardson) of the parameters of change in women's dress fashion in the West seems to have pursued a similar intimation before embarking on his monumental study of the configurations of cultural growth in the major civilizations. However the fashion principle seems to have operated more pervasively in the West, and especially the Latin Christian West, than in most other civilizations in more spheres of life and ranging more widely in social space. In reacting against the emulation in mortuary rituals, baroque practices for instance both led to literal and figurative inflation in terms of cost and symbolic elaboration, and eventually to the emergence of new social boundary markers extolling simplicity, sobriety, modesty and privacy (similar mechanisms may have been at work in the eventual reversal of Victorian death practices). To be sure, this is only one facet of a very complex story (but the arrest of fashion has always been a goal of utopian projects to ensure a self-perpetuating standard of human perfection or social steady-state).

The social-historical studies of death in the current state of the art tend to follow one or the other of two perspectives which we may encapsulate as the 'symbolic' and the 'strategic'. In the 'symbolic' perspective one studies death through the prism of cosmology and community, collective and individual representations, mortuary rites, the cultural regulation of the emotions, thanatopraxis, mourning customs, the iconology of death. In the 'strategic' perspective, at least in the West, testamentary dispositions concerning property, office and position are a prime object of study in order to analyze the calculations of testators - and their anticipations of the reactions of heirs - as well as the actual outcomes in the effective redistribution of transmissible immobile and mobile wealth and claims. Testaments of course can

be studied profitably from either perspective depending on the roles they play in the moral or salvation economy or in 'real' resource allocation to other economic agents. I call the second perspective strategic partly because the leading and certainly very influential exponent of it, Prof. J. Goody, stresses 'strategies of heirship' so critically in his various studies including his major recent book - something like a sociology of the testamentary institution - *The Development of the Family and Marriage in Europe* (Cambridge 1983).

The essays in this volume mirror the state of the art in that they can roughly be divided into two groups according to the main emphasis in the specific studies. I think it not unfair to claim the studies by Goldey, Feijó and Pina-Cabral, as well as the literary and cultural-historical studies by Earle and Santos Silva, for the former perspective, and the remaining essays by O'Neill, Ms Brandão and Ms Durães for the latter. Of course the same author may assume one or the other perspective in different texts, or try to combine the two perspectives in the same work, although it is usually convenient and often demanded by the research setting or academic occasion that one or the other perspective should prevail in a given text. It is not certainly a preference for order or conflict models that dictates the choice of perspectives: the papers by Goldey and by Feijó and Pina-Cabral both refer to conflict between value-orientations, and the latter paper analyses the background to one of the most important social upheavals in the last two centuries of Portuguese history - the clash between the locally received and the imposed (by the central authorities) death systems being an important causal ingredient in the triggering of a civil armed conflict on a remarkable scale. Substantive focus and problem-interest may require the assumption of one or the other perspective in the social studies of death-centred practices. There is however, it must be admitted, a certain bias towards different metaphysical and methodological commitments in social analysis, the 'symbolic' analysts at least in historical anthropology leaning perhaps more towards a hermeneutic-holistic approach - and perhaps a little more tolerant of a non-positivistic metaphysic - whilst the 'strategic' analysts may well lean towards methodological individualism, 'etic' categories and even 'cultural materialism' (in the sense of Marvin Harris, not of Raymond Williams). This is not of course to imply anything about the actual metaphysical and methodological stances of our authors which probably do not resemble these ideal-typical very closely or predictably. Goody in the book cited above treats the Latin Christian Church as a collective actor with definite interests other than the sum or average of the material interests of its (ecclesiastical, elite) members pursuing strategies of resource appropriation over a long time-horizon but claims not to forgo methodological individualism thereby. In stressing the Gregorian movement for Church reform from the 11th century and its subsequent development as extremely consequential for the formation of a kinship system and a domestic domain highly congenial to the growth of economic individualism and a market

economy, his analysis converges in remarkable accord with Chiffolleau's monograph which to a substantial extent could be characterized as pursuing a symbolic approach to the changes in testamentary arrangements in 12th-century France (Avignon).

Readers will note the historical concerns of all the contributors: no one has indulged in synchronic functionalism or simple present-mindedness. The anthropological papers all deal with Northern Portugal but this is partly justifiable in view of the greater background knowledge available in the English-speaking world concerning the social world of the latifundia South, a substantially de-Catholicized (at least in some patent respects as in decades-old priest-parishioner ratios and the standard indicators of religious observance) area more closely articulated with the culture-mentality of the urban-industrial complex. In any case Portugal north of the Tagus has traditionally contained the majority of the population as well as the historic nucleus of the nation-state. If the phenomena outlined by O'Neill seem to represent an extreme case they illuminate general tendencies also which it would be foolish to ignore or complacently to discount. They put in perspective the claims made by and for Salazarist Portugal to embody the values of tradition, Catholicism, family and property which were accepted by many foreign observers for so long.

The paper by Santos Silva raises another range of issues. The historian, sociologist, politician Oliveira Martins systematically used the organic analogy in his speculations concerning the fate of nations. The vocabulary of 'decadence' and of its counter-process 'regeneration' was widely and almost mandatorily used for decades by social critics castigating the retardation of the Portuguese economy, society and culture in the European and indeed world scene. But even in the leading countries of the period the idiom of biological decay, 'decline' or 'degeneration' was freely used for instance in connection with the urban masses and the urban milieus as a whole collapsing biomedical evidence concerning actual morbidity with alleged social pathologies of deviance and alternative cultural practices, and even as late as the 1930s dire diagnoses of the decline of national (measured) intelligence and in the average physique of adult males were widespread in Britain. To dwell on the 'death' of human collectives, societies, civilizations will generally involve metaphors, analogies and tropes of varying import. Some have claimed that the metaphor of the biological organism is the root-metaphor of Western social and historiosophical thought from at least Plato and Aristotle to, say, contemporary functionalism. But in Nisbet's important survey of the impact of the root-metaphor of the discrete organism on the theorization of society and the pattern of historic change, the theme of mortality is quite a subsidiary one, definitely subordinate to the epic vision of the directionality of world-history as a whole. The main, though not the exclusive thread is that of world-growth stories, of serialism, of optimistic historicism, at least in the world stage. It should be noted that the expression 'the organic analogy' is seriously

misleading in that it implies that there is only one type of analogy to organic life. In addition to the discrete organism (including such versions as the 'tree' metaphor, which already occurs in the didactic of Western philosophy with Porphyry, followed by innumerable successors), organic analogons have included species, populations, biotic communities, 'colonies' and complex organisms (Taine characterized consciousness as a *polyptier d'images*), 'types', ecosystems, ecological successions, genotypes or gene pools, homeostasis, milieu interieur, etc. Even in the case of discrete organisms mortality is more easily identifiable in the case of sexually reproducing organisms than in asexual ones. In writing of the 'death' of collectivities writers may be implying not so much mortality as lack of vital tonus, adaptive capacity or malperformance in terms of specifiable indicators as stemming from covert causes: it can be the language of prophecy or moral-political evaluation in the idiom of clinical pathology, which at a given juncture may provide ready intelligibility and presumptive validity. Classical republicanism amongst other political traditions was eminently preoccupied with the sources of 'virtue' amongst the citizenry and the likelihood of 'corruption' and 'decay': Rousseau, who in some ways stands in this tradition, devoted a whole chapter of *Le contrat social* (Book Three, chap. 11) to the topic 'Of the death of the body politic'. In it he argued that the body politic, like the human body, begins to perish as soon as it is born and carries within it the causes of its destruction. But whilst it is not up to human beings to prolong their life-spans it is incumbent upon citizens and statesmen to prolong the life-span of States as far as possible - even though they are necessarily mortal.

Death as metaphor - important in the Romantic movement where organic analogies from plant life were characteristically applied to works of art and individual poems - is certainly pervasive in contemporary vocabulary but generally detached from any serious and systematic theoretical framework. As a liminal term, as the ultimate metaphor of liminality, it still carries rhetorical force in the language of social criticism, as a metaphorical predicate applied to human collectivities. This appears to be the case even though not even socio-biology has revived the type of systematic analogizing of societies and organism so common between the 1880s and ca. 1910, resorting rather to metonyms of causal determination and constraint by the genetic conditions of social existence and the agency of 'natural selection' (in itself a metaphorical expression). It would be appropriate especially, as part of a general study of Portuguese political language to inquire how far the vocabulary of decadence and death in discourse about the social, the political and the national, has persisted. National anthems in their verses sometimes curiously raise the issue of death even if only by (de)negation, as in the case of the Polish national anthem, and indeed the Portuguese (*nação valente e imortal*) does also - perhaps for the sake of emphasising the 'community of fate' involved in nationhood.

THE GOOD DEATH:

PERSONAL SALVATION AND COMMUNITY IDENTITY

I. *Introduction : The Concept of the Good Death*

In Portugal and Brazil, Nosso Senhor do Bom Fim, or Nossa Senhora da Boa Morte, are addressed in prayer and have churches and chapels dedicated to them. This would seem to be the remnant of a much wider worship throughout the Catholic world, that in the Portuguese case takes a very concrete form, with statues and churches erected as symbols of the concern prominent in the Middle Ages of 'making a good death'.¹ In the area of Geres there are chapels dedicated to Our Lady of the Good Death (e.g. in Covide) and there are chapels to the same saint in the area of Guimaraes and Amarante as well. Villagers throughout the north often make dedications and *promessas* to either Senhor Jesus da Boa Morte or to Nossa Senhora da Boa Morte. The medieval notion of the good death involved resisting the temptation to despair or pride, together with sincere

I am grateful for the financial assistance given to me by the Instituto de Alta Cultura during my initial fieldwork (1972-3), and by the Calouste Gulbenkian Foundation who funded short trips to Portugal in 1974 and 1976. The fieldwork was conducted in the District of Braga, in villages of the Geres region. The village of S. João is a pseudonym used in accordance with anthropological convention. The ethnographic present used in the article refers to 1972-3, my initial fieldwork period.

¹ Cf. Philippe Ariès (*L'Homme devant la mort*, Paris: Seuil 1977) for an account of attitudes to dying from the Middle Ages to the 20th century.

repentance for sins committed. Apart from the metaphysical aspects, there was also a very practical side to a good death; dying with good warning, in bed, enabled one to prepare for death with the appropriate, traditional ceremony and to do a public accounting - forgiving enemies, blessing friends and children, and paying off one's debts. Villagers in some areas of northern Portugal retain this total concept as a cultural ideal. It is considered a terrible thing to die away from the family, away from the village or as now happens, away from Portugal. Those who die suddenly, or in an accident, are especially mourned. A man should die in his home, surrounded by family and neighbours, and with time to settle his affairs, both spiritual and temporal. To receive the Last Sacraments, to establish the number of masses to be said for one's soul and the dedication of the masses to particular saints is still important to many villagers. Involved in the concept of the good death are a complex of factors, both spiritual and practical, that imply organising the end of life in strict accordance with the accepted religious and social norms that continue through life. Thus a man who dies after a long life, leaving industrious children, no debts, his land already apportioned to his heirs, with no dispute overhanging his property, and fortified with the rites of the Roman Catholic church, is thought by fellow-villagers to have done well and achieves a certain respect and even a little envy of his good fortune in arranging his end so satisfactorily. In this way the 'good death' constitutes a cultural ideal.

Dying well, like living well, is not a solitary activity; one needs partners, accomplices, witnesses. The 'good death' involves not just the principal actor but the supporting cast who must fulfil their roles on his behalf. Relatives who fail to fulfil the religious ceremonies of death, burial or the subsequent obligations can condemn their kinsman to an unhappy post-life existence. For a 'good death' one needs the co-operation of one's kin. Dying away from the village is regarded as an especial sadness and the dead or dying are brought back to the village for burial if at all possible. Most usually nowadays this means being brought from the hospital as a terminal case, but there have been instances of dying men being brought back from Lisbon or France or even Canada to die at home. Just as the children of migrants to industrialised Europe are returned to the village for baptism, so the dead and the dying are brought back from France to be buried at home. The kin group and the small community welcomes back its own, and in death, the family can be thus assured that the proper rites have been observed.

II. *Rituals of death*

The procedures followed when a death occurs have changed little

over time. Until recently, the church bell would toll out from the moment of death until the grave was closed - to remind others to pray; now it peals only for the time it takes for the body to be taken from the house into the church, marking the transition from the secular world to the religious, tolling an uneven number of peals for a man, and an even number for a woman. Usually, if death occurs at home, burial takes place the following day, and the intervening night is spent by the bereaved and their neighbours in a 'wake' at the house of the dead person. Close friends and neighbours, one from each house, gather together to pray, to cry, to eat and drink and to tell stories of the dead person's life and qualities. The basic ritual prayers are 30 Our Fathers, 30 Hail Marys and 30 Glorias. The atmosphere is one of restrained mourning; there is no singing and only village wine is drunk. Food is brought to the house by each visitor from the other houses in the village, even by those who do not stay the night, so that the widow or widower is free from daily chores for the day of the funeral and several following days, and can then spend all the time grieving. People say that food is sent in by neighbours to avoid 'frying the soul of the dead'. Cooking by the deceased's close kin is to be avoided. Any small children are taken from the house of the dead person into neighbours' homes and do not attend the 'wake' or the funeral the following day.

The burial procession follows a set procedure. It is always led by the village *Procurador*, carrying the large crucifix from the Parish church. Like a church warden, the *Procurador*'s other duties include ringing the bell for mass each week, collecting Easter dues and looking after the collection money. It is an office that rotates between the married heads of houses each year, and refusal to serve carries the penalty of a fine. Behind the *Procurador* comes another household head, carrying the church's banner; then the coffin, carried low by six men including the President of the Parish/Village Council (*Junta*) with one man from each house following on behind. After them come the parish priest and the women. No children walk in the funeral procession, nor do immediate family of the dead person go to the church for 'only those who can trust themselves not to weep go to the church'. As the body is lifted to leave the house, wailing women, relatives and non-relatives of the dead called in on a reciprocal basis, break out into screams and cries that echo through the whole village, as the door and windows of the house are flung open. This formalised wailing accompanies the procession until the funeral mass begins in church. Not everyone nowadays uses the services of wailers; some people feel that it is too distressing while others still think it is a fitting and proper tribute to the dead. Apart from the paid wailers (paid only in food) close female relatives sometimes take part in the 'keening' too. During the requiem mass the coffin is left at the rear of the church surrounded by candles. Although there are more women than men in the congregation - because of migration and conscription - at least one man from each house is present throughout the service. After mass, the whole congregation goes behind the coffin to the

cemetery as before, with the *Procurador* leading the way in procession and the priest bringing up the rear with the women. When the body has been interred with the customary Catholic ritual, the wailing breaks out again and continues until sunset.

After mass, small sums of money are given by relatives of the dead man to local beggars who wait outside the church, and small gifts of food - salt cod, bread or cheese - are distributed afterwards to those attending the service. The mattress and bed-clothes of the deceased are burnt. Funeral processions follow fixed routes to the church, so-called 'sacramental paths', that are the same that should be followed at times of baptisms, weddings and funerals. When people from outlying villages come to the parish church to bury their dead, wooden crosses or twigs mark the places where the coffin can rest on the way, and prayers are recited at each halt. The procession from Vilarinho to Campo, for example, was preceded by a woman who went ahead to the Campo church with an offering (*obrada*) 'for God', received by the priest. The *obrada* consisted of half a *raza* of corn and half a kilo of ham (*toucinho*). The woman who performed this service should not talk to anyone, even the priest, until the dead person was interred.

Burial is not the end of obligations to the dead. Each Sunday after mass anyone who has lost a relative in the previous twelve months goes to the cemetery to pray by the graveside. Nowadays, with the long absences of men from the villages it tends to be women alone who perform this ritual for their in-laws as well as for their own kin. The more recent the bereavement, the less restrained are the manifestations of grief, and newly widowed women will throw themselves prostrate on their husband's grave, eventually to be led away by a neighbour.

Each evening the church bell sounds for the recital of the *Trindades* (an evening Angelus) - three bells for three Ave-Marias plus two long strokes, one for the Holy Souls and the other for 'the sinners of the parish' (*os pecadores mais necessitados da freguesia*). People stop whatever they are doing, and pray for a few moments. Since the bell rings usually at sunset most people are in their homes before eating their evening meal, and traditionally the family prays together, aloud, by the open window, so that the sound of the prayers would be heard rising from all the houses. In recent years, it has become a more private ritual, but most people will still stop what they are doing, in the house or in the fields or in the street; in the cafe, however, life goes on without interruption.

The dead are thus remembered each day through the *Trindades*, and especially on Sundays. They are also commemorated by the wearing of mourning black by their relatives. The degree of kin or affinal ties is reflected directly in the period of time for which mourning is thought proper; as long as seven or ten years for a parent, and two to three years for an in-law. For a husband many widows decide to stay in mourning for the rest of their lives as in the rest of Latin Europe. Older widows also keep up the habit of wearing over their heads the *avental de costas*, a rough-

woven black woollen apron-style shawl. Children's deaths are not commemorated by any of these rituals. No one goes into formal mourning for children; although they receive a requiem mass, only immediate family are expected to attend. The stillborn are, traditionally, but to a lesser extent now than in the past, not even interred in the cemetery but buried in the floor of the *corte* below the house, where the after-birth is customarily buried.

III. Death Rituals in Historical Perspective : The Religious Background

Most northern residents are at least nominally Catholic, while outside the cities adherents of other religious faiths are of insignificant number, and the proportion of those actively participant in Catholic religious activities is very high indeed, in many areas representing over 90% of the local population. The district of Braga, whose archbishop was Primate of Iberia, was early on an important religious centre; the diocese was first created in A.D. 37.

At the Council of Braga in 411 the Lusitanian bishops, threatened with invasion by the German tribes, resolved to remove and hide church valuables, such as the bodies or relics of saints, the church silver and statuary, in remote places in the mountains, in caverns or grottoes, where in later centuries their reappearance gave rise to the foundation of shrines and pilgrimage sites.² Despite the Suevic occupation of Braga, the city again became Catholic in 563 A.D. with the conversion of the major Suevi residents. At the second Council of Braga in 610 A.D. the payment of *dízimos* or church tithes was ordered by the bishops, along with the injunction that churches were no longer to be used as burial places, but the dead were to be interred outside the wall of the church. By the eleventh century the dead were again being buried within the church, but it took over 1200 years for the ecclesiastical injunction to become public policy in the 19th century. By 836 the earliest known pilgrimage - to Rome to visit the tombs of Saints Peter and Paul - was again very much alive, and it is probably the origin of the continuing and current practice of rural Portuguese who go on *romaria* (pilgrimage), from the term referring to the ancient pilgrimage, *Romalia*.

Until 1835 there were no public cemeteries in rural Portugal:

² For references to the Bishop's records of hiding places see Padre José de Matos Ferreira, *Thesouro de Braga*, 1728 (Biblioteca Nacional de Lisboa, MS 583).

all burials took place in the floors or *adros* of churches, and in the private cemeteries of military hospitals and misericords. Only after the cholera epidemic of 1832 were some areas of land blessed for burial. The majority of Portuguese cemeteries are 19th-century or 20th-century in origin: in the rural north many date from the 1920s and 1930s. Church burial was then customary over a long period, and the Health Laws of the 1830s and 1840s provoked rural uprisings in protest against proposed changes in this practice.³ Death and burial practices are part of a value system, a shared world-view common in this case to a large area of upland, frontier Portuguese Galicia.

Religion within the village stresses the importance of local ritual, regional shrines and village pilgrimages, in all of which the priest's presence is important as public functionary. The influence of the national Church or its hierarchy is very low in this area; local attitudes to the Church as an official institution is rather one of opposition, as shown in the hostility to clergy when they refuse to perform traditional services. Local rituals are mainly concerned with protection of the household, cattle and the agricultural enterprise, and are still performed despite the decreasing importance of animals in the local economy and the increasing reluctance of priests to perform them. The strength of local religion in opposition to the national Church is not just provincialism or a quaint survival of 'folkness', but must be seen as integral to the belief placed in the family and the community as a valid religious unit as well as an economic and social unit.

The link between the concept of the 'good death' and other parts of the belief system is clearly seen in the case of the 'wandering souls', those unfortunates who did not have time to settle their accounts before they died, or whose relatives did not fulfil the customary religious requirements regarding burial. 'Wandering souls' who appear as ghosts (*aventesmas/sombras*) or as tormented souls (*almas penadas*) can be encountered at night either outside the village or around the cemetery (which is usually situated either within the village or very close to it), or they appear in dreams at night to a close relative. The three main reasons given for the 'appearance' of 'wandering souls' on earth are that they were left unburied, and so have no resting place, and cannot enter heaven until they have had a Christian burial; or that their kin failed to fulfil the customary ritual; or that they committed some injustice that was not remedied before their death. The most common injustice cited is that of moving boundary stones, so cheating their neighbour of an extra two or

³ See João de Pina-Cabral and Rui Feijó, 'Conflicting Attitudes to Death in Modern Portugal: The Question of Cemeteries', in this volume.

three feet of land; the area involved is always trivial, but the land holdings are small too.

Men do talk of having contact with such souls. *One soul appeared one night to João da Redonda; he recognised it immediately as his dead uncle, who asked him to get out of bed and go with him to the fields. This he did, and once there, his uncle asked him to move a large boundary stone about a metre's distance, so as to satisfy his conscience, for he had moved it in his favour many years before. João did as he was told, and the soul thanked him and disappeared.*

People who see witches or evil spirits are thought to be those who did not have 'proper' baptisms, where some of the words or ritual were missed out by accident, or where words were spoken incorrectly. Conversely, those spirits who wander about on earth are the unhappy dead, or those whose burial ritual was incomplete. These beliefs, though not currently supported by the Church, clearly originate in a period where ritual orthodox observance was heavily stressed, and bring so-called 'pagan' spirit or witchcraft beliefs within the same tradition as more commonly held 'Catholic' beliefs. Animals too could be ill omens if encountered at night: dogs, cats, goats, pigs, cocks, hens can all take on the manifestations of evil spirits at night. As a defence one should carry a mirror, a cross or a rosary at night on the road, and avoid looking at an animal encountered out on its own at night.

Accidental or violent deaths on the mountains also cause unease as it can be several days before the body is recovered, and, apart from possible ravages by dogs or wolves, it means a delay in proper burial that normally would take place on the day following the death. In these cases it is the fact that the proper ritual and order of events has not been observed that causes disquiet; the living continue to have an obligation to the dead, and chief among their obligations is the duty to ensure customary burial.

Belief in life after death is the basis of belief in the suffering souls that haunt the earth, usually because of improper burial, or because of some injustice committed by or against them during their lives. Belief in the Devil, and in the efficacy of exorcism (only recently condemned by the Church) is the orthodox basis for a very strong belief in the more generalised power of evil and the multiplicity of evil spirits. Although the forces of good are commonly believed to appear in physical form with some regularity in the Portuguese tradition - miraculous statues, springs, and the apparitions at Fatima, all with firm credentials from orthodox Catholicism - there is nothing inconsistent in an equally strong belief in the physical manifestations of the forces of evil. And if the forces of good have their human representatives in the saints, priests and *beatas* that function on all societal levels, then witches, as human representatives of the forces of evil, are their complements on the conceptual and the

practical level. Witchcraft beliefs in Portuguese villages, far from being some 'pagan' residual element of an earlier non-Christian tradition or the sign of a 'folk-culture' operating on a different logical level from the main Catholic culture, are better seen as a firm part of traditional Catholicism, albeit somewhat 'medieval' and embarrassing to a Church anxious now to stress its modernity and intellectualism - or at least the more urban education of its younger priests.

Despite the long tradition of Catholicism in the north, religious attitudes are not standard and are not without their tensions. Even in areas where most residents would call themselves Catholic, and are believers and practicers, there are signs of anti-clericalism, not unlike that in parts of Catholic France and Spain. While largely believing and practising his religion, the Minhoto peasant is not 'priest-ridden'. Contemporary independence of attitude shown in religious matters has an echo in earlier documents taken from a parish in the Geres area of Braga.⁴ In the eighteenth century a complicated tussle ensued between the villagers of São João and the local parish priest over alleged abuses and his failure to perform his priestly functions, which was taken to the authorities in Braga by the villagers. In the ensuing correspondence the villagers accused the parish priest of taking over a piece of common land (*balديو*) for his own exploitation, as well as 'oppressing [us] at every turn, without any remembrance of humane sentiments'. The matter went to the court at Viana, when the villagers demanded the removal of the priest from his post. Correspondence between the legal bodies and the church authorities show the latter's reluctance to come to a firm decision on the matter, 'for fear of encouraging others'. The case dragged on for a period of years, during which the priest was accused of diverting village water to his own lands, and of taking over a further piece of common land for his own use.

Apart from these land disputes, there was also the question, relevant to our present discussion, of the priest's failure to provide the last sacrament to the dying, and his demanding more money from tithes to cover church expenses, such as the altar wine and oil, which the villagers felt he should provide himself from his existing income, instead of increasing charges on an already poor community.⁵ While the outcome of the litigation is unknown in this case, its interest lies in the fact that even at the end of the eighteenth century villagers were not ready to accept a priest who did not respect property rights and made unreasonable

⁴ See *Registos da Igreja*, 1540, A.H.U.M., Braga, MS N188, fol 28.

⁵ *Processo de Padre Pires de Araujo e Silva, Abade da freguesia de Sam Joam Baptista, Desembargo do Paço*, MS M281-57 (1786), and M 171-86 (1797), Lisbon (Arquivo Nacional da Torre do Tombo).

financial demands on his parishioners. In the opinion of villagers the priest had obligations too: the relationship between him and the parishioners involved reciprocal obligations and so if the parish was providing him with income in the form of tithes, he also had to provide the service demanded of him. This very modern approach to religious functionaries is perhaps surprising in this area at such a time, but it is one that is certainly reflected in the present-day village attitudes to the clergy.

Given the early implantation of Catholicism in Minho, it is hardly surprising that contemporary rural religion has retained many of the practices that were common to medieval - or earlier - Catholicism incorporating some pre-Christian beliefs and practices in its orthodoxy, which are now disowned by the present 'modern' Church. This change in the Church's tolerance for what may seem to many to be 'folk' practices, coming as it did later in Portugal than in other western Catholic countries, has introduced a new element of tension and dissension between clergy and parishioners. While parish priests are happy, and indeed obliged, to continue performing the main religious rituals of the Catholic faith - baptism, marriage, burial, and the weekly Mass - they are increasingly unwilling to take part in or condone other religious events that seem to the villager to be just as important. One priest, in the 1920s, comments on how canon law now frowns on local customs, disapproving of Corpus Christi processions, *romarias*, *ladainhas*, *cercos* and village festas, all of which are dying out, due to 'the presumptuous and fanatical spirits of the intellectuals' ('*espíritos fanáticos presumidos de sábios*').⁶ Most of the rituals now disapproved of by the Church centre on agriculture, the family and the community - three concepts totally integrated in the peasant's world view. Many of these rituals are common to villages in a wide area of upland Minho: I shall here look only at rituals surrounding human death itself and omit agricultural rituals designed to ward off disease, illness and death in plants and animals.

Rituals outside Catholic orthodoxy involving the village community as a whole have disappeared from village life during this century. Two practices, presently remembered only by the middle-aged and elderly, called for the participation of all village adults: the '*encomendação das almas*' was a public gathering in the church each day during Lent when the dead members of the village were named individually, house by house, and commemorated in prayer for their souls - a ritual that lasted about an hour. Today there is still a gathering in the church each day during Lent when the Rosary is recited for the souls in Purgatory, usually without the presence of the priest and led by a rota of women. It does not now draw all village members and tends to be attended mainly by women. The other community ritual remembered only by the elderly (suggesting that it stopped before 1920) was

the *rezadas em comum*.⁷ Here the villagers would meet in the open air to pray to Saint Sebastian on January 20th. Married men presided in order of their marriage each year; each individual present was called forward to say a prayer '*em louvor do mártir São Sebastião*'. As long as the prayers continued, the day was considered a holy day, and work could start only when the ceremony had ended.

While some community rituals have dropped away, others have been abandoned by the priest, much to the annoyance of parishioners, and this reluctance to keep up the old rituals contributes somewhat to an increase in anti-clericalism. Previously the priest would perform the prayers for the souls (*reza das almas*), which involved walking around the outside of the church with a representative from each house that had a death to commemorate, doing the *obrigações*. The practice has been abandoned but the clergy still receive payment for it. Masses for the dead are not free and in 1972 cost 50% (about £1 sterling). Given the contraction of parishes, and the need for a priest to cover many parishes there are not enough days to perform individual masses for the dead, with the result that priests combine them and perhaps celebrate three or four in a day. From the villager's point of view this is another area where he is being short-changed: the priest who in 1972 was getting 150% daily just in masses for the dead was already receiving the equivalent of a manual worker's daily wage.

While many traditional community rituals have disappeared with or without the Church's aid, people still commemorate the dead every day; there are *alminhas* - small painted niches - in the house walls, and each time one passes one is expected to say an Our Father for the souls in Purgatory. Crosses and calvaries (*cruzeiros* or *calvários*) are also daily reminders of death, although they also have political significance - the cross on top of the pillory (*pelourinho*) marking the limits of judicial power or the territory of a church or parish limits.

Stone cairns in the hills or by the roadside are put, stone by stone, by passers-by praying for the person killed in an accident or by violence. Wooden or stone crosses on the roadside or in the fields mark places where death has occurred: and one is expected to stop and say an Our Father for the souls of the dead in Purgatory. Villagers then have daily reminders of death in their working environment. Beliefs surrounding death are but a part of the religious system sustained by the Minho villager.

Apart from those religious rituals that were once part of Church orthodoxy and are now largely discouraged by the clergy - and therefore to a greater or lesser extent abandoned by the faithful - there is the whole gamut of semi-religious practices and beliefs surrounding illness, curing and the occult towards

⁶ Padre Francisco Manuel Alves, *Tras-os-Montes*, Lisbon 1929, p.20.

⁷ Tude de Sousa, 'Regimen Pastoril da Serra do Gerez', *Portugalia* [Porto], Vol.II (1908), p.7.

which the Church has long turned a blind eye, since they do not require priestly involvement. Here it is relevant only to say that the disapproval shown by the younger clergy is based on their dislike of the juxtaposition of acceptable symbols, such as holy water or the branches blessed at Easter, with the unacceptable symbols such as garlic, bramble-bush branches, or cow-dung; the same 'holy water' is used for blessings in orthodox ceremonies and in many of the curing rituals as one of the ingredients for infusions; olive branches, blessed at Palm Sunday, are another common ingredient for healing rituals; the sign of the cross is common also to both. When modern clergy dismiss these rural curing rituals as 'pagan' they discount the fact that they are ultimately both ideologically and ritually within the tradition of Catholicism, and are contained within the same belief system.

IV. Social Aspects of Burial/Death Ritual

Of the three life crises of individuals, while birth and baptism are regarded as a family matter, marriage and funerals conspicuously involve not only the family but the village households. The social identity of the individual is linked to his house, his name, his family and his land. Traditionally the rural farming family is producer, entrepreneur and owner of its own resource base, producing for its own consumption needs and hence with a high degree of autonomy and kin solidarity, as both livelihood and social identity depend on it. In the village, family rituals, mourning practices and the family shrine incorporate the dead and the migrant in the family unit, individually named and remembered at specific times of the religious year.

Rituals emphasise the importance of the house (*Casa*) and generational continuity: they also can emphasise village solidarity between the landowning families in the village. Each household of residents or *vizinhos* (literally 'neighbours') has the right to be represented at all village weddings and funerals - and conversely the obligation to attend and contribute. The individuality of households is mitigated and controlled by the economic organisation of the village that demands co-operation from all residents of the land-group and is symbolised by constant interaction in the ritual sphere.

Much of traditional ritual is designed to purify and protect the house - for example the *defumadas*, the Easter blessing with holy water, to protect the house and the family within from witches and evil spirits - and to emphasise the unity of the household and its separateness from other houses in the village. These recurring rituals of purification, protection and separation

reappear throughout Galicia, in Spain as in Portugal.⁸

All church jobs and chores, other than the priest's, rotate between household heads according to a fixed order; there is no controlling clique to organise *festas* or everyday rituals, and little extravagant expenditure in an area with limited resources, small surplus, and whose demonstration of faith through ritual is aimed at preserving and safeguarding the community of households.

The emphasis throughout local social organisation is on 'the house', the *casal* paradigm of Galicia. Sometimes this social reference group is coextensive with the family but not always. 'House' names are those most commonly used to identify individuals; surnames - called locally 'church names' - are used only on official occasions when dealing with outsiders. Men marrying into 'houses' of old-established village families take on the name of the house; men who start from scratch and create a 'new house' are known by their first name or family name. Actual houses in fact change hands quite often and most families in the village have lived in more than one house in the course of their family cycle. But for the older houses the names of the houses stay the same and couples moving into them are known by the name of the house and not by their church name. Alternatively, a man or woman sometimes carry with them through their lives the name of the house they have grown up in, even though they have moved out of the family home. So there is a certain social ambiguity at play despite the apparent rigidity of social organisation.

There is some variety in the significance that the *casa* or house and the family have in day-to-day village life. For some people, the building they live in and the house they are identified with has been theirs since time immemorial, and will continue in their families except through the bad luck of childlessness or the unwillingness of children to stay in the village. For others, such as those who married into a house and took on the name of the house, the strength of the self-identity varies. For others who made 'poor' marriages and who have never experienced or have lost the association with an 'important house', either fortune has come to them through luck and their own hard work, thus earning them their own status and recognition; or they have had poor luck and the children they might have been able to lean on have also let them down. Although on the ideal level the 'house' is the important determining factor in assessing status and prestige, in a situation where the values placed on land and continuity are changing because of the recognised low productivity of the land, and with the new alternatives provided by migration and education, even the status of 'the house' that before seems to have been firmly based on quantity and quality of land owned, as well as the good behaviour of those in it, has become fluid and ambiguous.

⁸ For Spanish Galician house-protection rituals see Carmelo Lison-Tolosana, *Perfiles Simbolico-morales de la cultura Gallega*, Madrid: Siglo Veintiuno 1974, pp.101-2.

For each individual landowning household the death of the head of household means the transference of land from the old to the new landholder. Even when *partilhas* - land divisions - are done beforehand they are not effective until the death of the head of household. *Partilhas* are done where possible within the family or within the village, so as to keep lawyers and bureaucrats out of it.⁹ But the degree of litigation or rather litigious behaviour of a community varies within the north: land, and its satisfactory devolution, is of primary concern to heads of households, so it is more usually resolved well before death. From a sample of wills from São João the earlier emphasis of wills is on personal salvation. From the earliest parish records people have left money for masses to be said for their souls, often when they make no further provision or will. For example, Dionyzia Dias, in 1709, left money for masses to each of six priests, to be said in the church and chapels of her parish, plus money for three sung masses to be celebrated in Braga. Several wills specify the number of priests wanted to recite the masses for the dead, suggesting both that relatively large sums of money were left to fulfil those death rituals, and also that there were many priests available at parish and commune level. One will of 1710 asks for masses of eight priests to be recited in the parish church, plus sung masses in Braga; one of 1716 asks for three *offícios* of five priests each, plus 50 masses for the soul; in 1730, one will asks for 3 *offícios* to be recited by nine priests plus two *offícios* by ten priests, together with 10 masses to the saints of the parish and the Guardian Angels, plus a gift to the priest of 6000 reis 'for use in time of war'. Most masses for the dead specified for the earlier period, 1688-1800, are to be celebrated in the parish itself, but sometimes other churches or chapels are specified, including S. Pedro, Braga, (mentioned in wills of 1710, 1717, 1730 and 1750), Bom Jesus de Braga (1717, 1790), Nossa Senhora da Peneda (1718, 1748, 1790) and Senhora da Abadia (1746, 1780), the last two being important pilgrimage sites through the last five centuries at least. For the same period, where detailed provisions are recorded in the funeral registers, most masses are directed to particular saints or angels as intermediaries; most frequently it is the name saint or guardian angel of the dead person who is appealed to, but the following saints also appear regularly: St. John the Baptist, St. Michael, Our Lady of Mercy, St. James, St. Antony, N.S. do Livramento, Bom Jesus de Codeseda, N.S. de Remedios, N.S. da Peneda, N.S. da Abadia, N.S. do Rosario, and the Angels. Although since the nineteenth century and the institution of centralised state registers for deaths, such details are no longer registered in the archives, most villagers

⁹ Cf. Fatimá Brandão, 'Death and the Survival of the Rural Household in a Northwestern Municipality', in this volume.

still direct their appeals for supernatural intercession to these same religious figures.

Of wills made in the eighteenth century, before the inheritance law was changed to what it is today, such specific references to inheritance that are made seem designed either to contradict the prevailing custom of the time, or to resolve possible conflict in situations where there was no direct heir to property. For example, Custodio Martins, in 1709, left his inheritance from his mother, along with personal goods and a small cash sum (400 mil reis) to his betrothed, while willing that his grandparents should stay on his land. In 1716 an old widow left half her property to her granddaughter and the other half to the church - the only case in the three-hundred-year period for which records exists in S. João of any property being left to the church. In 1720, one man left land and goods to a cousin temporarily resident in Lisbon. Wills involving dispositions of goods and property were made, it seems, in exceptional circumstances; on the whole in the eighteenth century at least land and the house were passed on in the customary way to whichever child or children were selected and willing to stay and work on the house's land. Gifts and inheritances were accompanied by the obligation of prayer, whether in the form of masses for the dead to be said at regular intervals, over a period of years, or less formally by the observation of traditional customs and rituals by whose help the dead souls would rest in peace and eventually achieve paradise. Where no will is made it is often the son-in-law or the father-in-law of the deceased who pays the funeral expenses and the costs of the masses, perhaps a form of reciprocity for land received by his household through marriage. The inheritance of the preferential share of the patrimony imposes obligations on the recipient: the masses have to be said, the anniversaries of the death acknowledged, the priest paid. Usually seven days after burial the first mass for the soul of the dead person is celebrated, paid for by heirs or from the estate of the deceased. On the first anniversary of the death the village priest traditionally receives payment for the mass in the form of 14 *medidas* of cereal crop (rye or maize). Even after death, the deceased, especially if he had something to bequeath, is incorporated into community life. As with burial, any failure on the part of the kin to 'do things properly' is thought to jeopardise the soul's progress after death. Personal salvation is kin solidarity.

Despite the importance of the *casa* as a social unit and the existence of some wills, and the potential for social differentiation in the practice of burial (with the alternatives of burial either in the *adro* of the church or in the church itself), no clear picture of stratification emerges in the treatment accorded the dead. Taking the parish of S. João as a case example, from 1688 onwards there is no consistency in the burial pattern; while the majority were buried in the church itself, about 30% of interments took place in the *adro*. People who made wills - perhaps an indicator in some societies of greater wealth - appear equally represented in both places. Members of the same family are buried

in both places. While a day labourer (*jornaleiro*) - a Gallego to boot - was buried in the church, a local mendicant was interred in the *adro*, along with the parish priest.

The only indication that burial in the church itself might be thought to be of some social significance remains the burial of the sister of one parish priest, Padre Carvalho Coelho, who was buried 'near the church's arch, and near the altar of St Antony'.¹⁰ Neither money nor social status seems to have guided the choice of resting place before the new cemetery was opened in 1940. Since then a small charge has been levied on burial plots; people are interred individually and not in family vaults, and the memorial stones that have been erected in the past fifteen years are modest, involve no great display of wealth and are much alike. It would appear that even in death, the hill villager maintains his egalitarian ideal of himself and his community of landowning neighbours: the 'good death' aims both at achieving personal salvation and achieving or maintaining kin and land-group solidarity. The ritual itself shows the importance of village representation, with all landholding households participating in the loss of a neighbour. The secular aspects of the post-death ritual are sharply distinguished from the religious 'church' aspect: the wake, the keening, the gift-giving, the burning of the deceased's clothes and bedding mark both the separation of the individual from the community of neighbours, and register the neighbours' participation in his departure.

As children are marginal to the focus on land, so they are excluded from representation at the post-death ritual. Children are 'little angels' (*anjinhas*), and as such have no part to play either in the secular or religious aspects of death. They also do not figure in post-death land redistributions, so in a sense they do not need to be represented. The priest is essential as a functionary to perform part of the post-death ritual (giving the last rites, and performing the burial service), but as the Church's representative he stays separate from the secular aspects of the funeral. After the death of the deceased he does not enter the house for the wake; his place is not at the front of the funeral procession but towards the rear, just in front of the women; the keening stops when the church service begins and resumes when it ends. Death and funeral ceremonies can be a source of friction and anti-clericalism, with priests demanding high payments, or seeming to distinguish between rich and poor, or appearing to receive payments for services not rendered.¹¹ But given the importance attached by the villager to 'proper' burial, as a functionary the priest is essential if the soul of the deceased is not to suffer an unhappy post-death existence and

¹⁰ But St Antony is also the Patron Saint of Spinsters.

¹¹ Cf. Eugen Weber (*Peasants into Frenchmen*, London: Chatto & Windus 1977), at p.357, regarding Brittany.

return to bother the kin.¹²

V. Conclusion

The 'good death' illustrates concern with both property transfer and individual salvation. The economic integrity of the household has to be maintained by an acceptable transmission of the patrimony: heirs have to be encouraged to perform the rituals in order for the soul to achieve salvation. Spiritual debts to particular saints have to be paid, as well as human debts.

Death rituals operate on three different levels: for the individual the preoccupation is salvation, but the emphasis is on salvation in the sense of safety (freedom from torment in the form of Hell or Purgatory or return to life) rather than on ecstatic joy. For the individual and the kin, the land inheritance arrangements are also a preoccupation: kin obligations that fall on several individuals but especially on the heir/heirs stress the separation of the kin and the *casa* from the other landholding neighbours.

For the village community, death and burial rituals reconcile in death the separation (and competition) of individual *casas* in other aspects of their daily life.

¹² Juliet du Boulay also mentions the importance of the rites of death in a Greek village, in connection with vampire beliefs ('The Greek Vampire: A Study of Cyclic Symbolism in Marriage and Death', *Man*, Vol.XVII (1982), pp.219-238).

CONFLICTING ATTITUDES TO DEATH IN MODERN PORTUGAL: THE QUESTION OF CEMETERIES

The 19th century in Portugal witnessed a succession of ideological, social, and economic transformations which, in many cases, were set in motion by a political process drawing on principles formulated earlier under the impact of the Enlightenment. The transformation of attitudes to death and burial practices is here seen in this context.

The historiography of attitudes to death and burial in Portugal has thus far received scant attention. The following comments are mainly intended as a stimulus to further research on this topic. They are an attempt to combine insights derived from anthropological research with those available from historical material. We are encouraged in this purpose by the belief that in the recent developments in the social history of death there is an evident failure to give sufficient attention to the ethnographic material already available and to the theoretical insights of social anthropology.¹

While carrying out anthropological research in rural Minho (1978-1981), João de Pina-Cabral (one of the authors of this article) became aware of the existence of a process of change in attitudes to death and burial. There appeared to be a movement from what Ariès calls the *mort apprivoisée* (tamed death), to a type of death which corresponds more closely to his model of the

¹ For a similar opinion, see Stephen Wilson, 'Death and the Social Historians: Some Recent Books in French and English', *Social History*, Vol.V (1980), p.443.

mort sauvage (wild death).² The particular interest of this process is that it is closely related to the use of cemeteries, about which historical information had been gathered by Rui Feijó (the other author of this article). This allowed us to create a picture of the momentum and character of the change over the last 150 years. The interest of the insights thus derived is enhanced by the fact that attitudes to death and burial are by no means an isolated cultural phenomenon; indeed their change in present-day rural areas is part of a much larger process of change from a peasant world-view into a world-view which is dominated by the values of the urban bourgeoisie.

Although in the course of this paper Portugal is sometimes referred to as a whole, we are aware that, in attitudes to death, as in most other aspects of popular culture, Portugal is a profoundly divided country. Since our material is mostly derived from the north, and particularly from Minho, and since we know of no corresponding research in the south of the country, we are at present unable to correct this focus on the north - a deficiency of which we are sorely conscious.

I

In his pioneering comparative article on the collective representations of death, R. Hertz points out that

there is a close relationship between the representation of the body and of the soul. This mental connection is necessary, not only because collective thought is primarily concrete and incapable of conceiving a purely spiritual existence, but above all because it has a profoundly stimulating and dramatic character. [...] The material on which the collective activity will act after death, and which will be the object of the rites, is naturally the very body of the deceased.³

This relation between body and soul is cross-culturally widespread and it is noteworthy how it has been a constant of European attitudes to death.⁴ In the 6th century A.D. it took a

² Philippe Ariès, *L'Homme devant la mort*, Paris: Seuil 1977.

³ Robert Hertz, *Death and the Right Hand* [transl. R. and C. Needham], London: Cohen and West 1960, p.83.

⁴ Cf. S. Wilson, *op.cit.*, p.447, and Pierre Chaunu, *La Mort à Paris - XVII^e, XVIII^e et XIX^e siècles*, Paris: Fayard 1978.

new perspective when the Christian faithful started to manifest a desire to be buried *ad sanctos*; that is, it was believed that spiritual benefit for the soul in the afterlife was to be derived from being buried near the relics of a martyr. In time, this attitude was somewhat modified and there came to be a desire to be buried in or near the churches, *apud ecclesiam*. Paradoxically, however - considering the ubiquity of this practice in Europe - the Church has always formally prohibited burials inside church buildings. As early as 563, the council of Braga had expressly forbidden this practice and this position was formally maintained by the Church authorities until the 18th century.⁵ It seems, however, as Ariès points out, that 'the only effect of the canonical ban was to submit the widespread practice of inhumation inside the churches to the payment of a fee, while, at the same time, preserving a principle.'⁶ But if for the theologians there was an intrinsic difference between burial inside the churches and burial in churchyards, for the faithful this distinction did not apply. Burial in the churchyards was conceived of as a continuation of burial inside the churches. There was merely a gradation of value between being buried near the altar and being buried further and further away from it. In this sense, outside or inside the walls of the church made only a quantitative, not a qualitative difference.

In the beginning of the 19th century in Portugal, burials took place in or around the parish churches. This was the case both in the cities and in the countryside.⁷ When there was no space for all within the churches, only the wealthy received the preferential treatment of lying under the church roof, the majority of parish members being buried in the churchyard, either in communal or individual graves. Although our data do not allow us to provide any quantitative estimate,⁸ we are in a position to

⁵ Ariès, *op.cit.*, p.53.

⁶ *Ibid.*, p.56.

⁷ For a rather detailed description of burials in Portugal at the time, see A.P.D.G., *Sketches of Portuguese Life, Manners, Costume and Character*, London 1826, chapter XIII, 'Portuguese Funerals', pp. 237-249. See also Patricia Goldey, 'The Good Death: Personal Salvation and Community Identity', in this volume.

⁸ See, however, Geralda Maria Marques Ferreira dos Santos, *A Freguesia de S.Martinho de Arrifana de Sousa de 1700-1729*, Lisboa: Publicações do Centro de Estudos Demograficos 1981, pp.149-150; Maria Lucilia de Sousa Pinheiro Marques, *A Freguesia de S.Martinho de Arrifana de Sousa de 1730-1759*, Lisboa: Publicações do Centro de Estudos Demograficos 1974, pp.133-135; Maria Celeste dos Santos Duarte de Oliveira Duarte, *A Freguesia de S.Martinho de Arrifana de Sousa de 1760-1784*, Lisboa: Publicações do Centro de Estudos Demograficos 1974, pp.160-162.

suggest that, at least in Minho, when burials in churches were eventually banned by law, churchyards played an intermediate role between burials inside churches and burials in the cemeteries. Furthermore, and again with the exception of the wealthy and famous, there were seldom any outward markings to specify where each person had been buried, and families did not own or keep for their private use any part of the burial grounds.⁹

Throughout Europe, in the 19th century, the practice of burying people inside churches and in churchyards fell under criticism. Such criticism bears witness to the emergence of a new attitude to death, one which saw death as far more threatening. While the traditional attitude had been characterised by a familiarity with the dead - both in physical and spiritual terms - and by a stress on the public nature of death, the new attitude privatised death, attempted to limit the expression of mourning to the close family, and marginalised the role of the dead in public life. We find it useful to conceive of this change in terms of Ariès' model of the opposition between *mort apprivoisée* - the traditional type of death - and *mort sauvage*, the new attitude which was espoused by the bourgeois, liberal intelligentsia. We might be accused of simplifying Ariès' analysis of this historical process by reducing it to a simple polarity. It must be remembered, nevertheless, that, on the one hand, his analysis is mainly concerned with changes of attitudes amidst the European élites, and that, on the other hand, the model remains useful for it allows us to plot the specific attitudes to death which we encounter within a continuum between these two opposites, without necessarily reducing them to either.

⁹ See, however, William Kinsey *Portugal Illustrated*, London 1828, p. 190 ('The floors of the churches in Portugal are generally divided into so many oblong squares into which are fitted trap-doors of wood, which are easily raised. They overlay the ordinary places of separate interment, and are very frequently after the burial of an individual, covered with a piece of black cloth, which is rudely nailed on, as a testimony of mourning.') W.A. Douglass, in his book *Death in Murelaga* (Seattle and London: Washington University Press 1969) reports that each household in this Basque region owned a burial space inside the parish church. Could a similar practice have taken place in Portugal? This system would appear at first to combine both tendencies which we are here opposing. We must not, nevertheless, confuse 'household' with 'family' - for these are rather different concepts. The differences between the implications of using each of these concepts as the elementary unit of social life are rather considerable. (For a discussion of this in relation to the Alto-Minho, see João de Pina-Cabral, *A Worldview in its Context: Cultural Uniformity and Differentiation*, Oxford, D.Phil. Thesis, 1981, chapter entitled 'Household and Family'.)

II

In Portugal, the new attitude only made a real impact after the Napoleonic invasions and it came to be enshrined in law in 1835 and again in the so-called Health Laws of 1844. For the bourgeois thinkers who were behind these laws, death had become *sauvage*, for they lacked the ritual and conceptual structures to integrate death within the social realm.

In order to understand this change we have to refer to the ideological context within which it took place. The 18th century had witnessed the growing impact of the concept of 'preventive medicine' on medical thought. Good health was no longer seen as something doctors had to restore once someone had been afflicted by disease. Rather, it was felt to be necessary to preserve it. Concomitantly, disease was regarded as avoidable within certain limits, its causes no longer being credited to God's will alone.

But individual life is an eminently social phenomenon. Once it had been discovered how diseases are spread, the need to prevent them was recognised. The maintenance of public health called for the intervention of social entities capable of isolating the *foci* of disease. In a word, the development of preventive medicine goes hand in hand with an increased intervention of the 'health authorities' - that is, state institutions. Death, therefore, was closely associated with health. We shall, once again, borrow a term from Ariès who refers to this process as the 'medicalisation' of death.¹⁰

The idea that, once the flow of life had ceased, bodies started to decompose, liberating *miasmas*, was very popular among the authors of the late 18th and early 19th century. A *miasma* is defined in the O.E.D. as 'an infectious or noxious emanation'.¹¹ There is no doubt that these 'emanations' were regarded as a threat to public health, since they had the power to fill the air and gain a hold over every living creature they touched. Therefore, contact between the living and the dead was to be avoided, and dead bodies isolated and kept in places where their *miasmas* would not reach the living. This prompted regulations about the time mediating death and burial, and regarding the places of burial. In all instances, death was regarded in physiologic terms - no matter how incorrectly in today's views - and life was considered as something to be preserved. This *valuation* of life, so important to the evolution of medicine, was being associated

¹⁰ Cf. also John McManners, *Death and the Enlightenment*, Oxford: Clarendon Press 1981, ch. 2 ('Defences against Death: Eighteenth-century Medicine'), pp. 24-58.

¹¹ For a Portuguese translation, see under 'miasma' in Antonio de Moraes Silva, *Grande Dicionário da Língua Portuguesa* (10th edition), Lisboa: Confluência 1954.

with a *devaluation* of death. The belief that 'Life and Death are the gifts of God' was replaced by an attitude which stated that 'God gave us Life for us to preserve'.

At this point, we have to insert a caveat. For, even if these views are nearer to ours than those of the popular strata of the early 19th century, they should not remain outside our critical attention. As such, their significance as a system of symbolic classification must not be overlooked.

As R. Hertz first pointed out, death corresponds in all societies to a moment of marginality or liminality, one which presents a threat to the group, as it creates a gap in the social order. As such, it is not intrinsically different from other moments in the developmental cycle of the social group, where individuals pass from one status to another such as birth, initiation, or marriage. Social groups manifest a need to conceptualise these moments of passage and to deal with them in ritual terms, these being Van Gennep's *rites de passage*. Two aspects of Van Gennep's cross-cultural analysis of funerals seem particularly relevant to our argument. First, the fact that of all rites of passage, funerals are those which most strongly stress the theme of transition (an insight derived from Hertz); secondly, that 'of all the rites of passage funerals are most strongly associated with symbols that express the core of life values sacred to the society at hand'.¹²

It is not only moments of passage in the life of individuals, however, which present such a threat to the conceptual order of the social group. This feature is shared by many other phenomena which are similarly characterised by the gap they create in the conceptual order which the society imposed on the cosmos. Mary Douglas, in her book *Purity and Danger* (Harmondsworth 1966), has demonstrated that such phenomena are commonly characterised by the social group which confronts them, as impure and dangerous. She argues that there are five basic means by which societies can cope with these, so to speak, abhorrent facts: re-definition, physical control, avoidance, imputation of danger, and finally ritual or artistic utilisation. This last category is perhaps the most interesting for, according to her, society is seen to utilise the power which such abhorrent phenomena derive from the threat which they present to the conceptual order as a means of re-enforcing that same conceptual order.

¹² Richard Huntington and Peter Metcalf, *Celebrations of Death: The Anthropology of Mortuary Ritual*, Cambridge: Cambridge University Press 1979, p. 19. In ch. 4 of this book, the authors develop considerably Van Gennep's original insight, using material from Madagascar.

Now, it was precisely this process which characterised the attitude to death of the popular strata of the early 19th century in Portugal, the attitude which the 'enlightened' liberals so profoundly questioned. In the context of the *mort apprivoisée*, death remained threatening and impure - a point that is not being denied here.¹³ What allowed for the 'familiarity' with and 'public nature' of death, which distinguished the *mort apprivoisée* from the *mort sauvage* of the liberals, was, rather, the ritual utilisation which was given to it. Here, Van Gennep's insight as to the fact that in funerals society expresses and re-enforces 'the core of life values sacred to it' assumes its significance. The prime mover behind the liberals' change in attitudes is precisely the fact that this ritualisation of death had lost its sense for them. F. Steiner, talking of the Victorians, makes a point which could equally well be applied to the Portuguese liberals of the early 19th century: 'the more the links, props and joints of the socio-religious thought structure were absorbed into theories of rational ethics, the more isolated became the little islands of prescribed ceremonial behaviour.'¹⁴

Even if death had already been impure for those who experienced it as *apprivoisée* (witness the ban applied to close mourners which prevents them from attending church services for the week following the death), the fear of contact with the dead, however, was expressed far more strongly by those who espoused the new and urban attitude to death - the *mort sauvage*. In this context, it is worth noting that the justification given by the liberal legislators for the building of cemeteries away from churches and from inhabited zones, as well as for the raising of the high walls which, today, are characteristic of Portuguese cemeteries, was that these were unhygienic and might lead to the spreading of dreadful diseases. As Ariès comments in relation to France, it is not very clear whether churchyards were indeed a real hazard to public health, or whether the indignation expressed by the 'enlightened' men of the late 18th and early 19th centuries was not motivated by a new symbolic categorisation of death which saw it as a particularly impure and unseemly phenomenon.¹⁵ As Mary

¹³ Wilson (*op. cit.*, p. 444) criticises Ariès for presuming that this was not the case: 'it is clear that in societies of the more recent past, death was feared as much as it was accepted, and that a certain taboo did surround it...'. Nevertheless, we feel that, once this point has been made, Ariès' general idea still remains useful.

¹⁴ F. Steiner, *Taboo*, Harmondsworth: Penguin 1967, p. 51; also quoted by Huntington and Metcalf, *op. cit.*, p. 10.

¹⁵ Philippe Ariès, *Essais sur l'histoire de la mort en Occident du Moyen Âge à nos jours*, Paris: Seuil 1975, p. 159.

Douglas argued in *Purity and Danger*, we have to question our own Western attitudes to hygiene which, although they are based on revolutionary discoveries in medicine, are all too often used as an ideological umbrella for the expression of the perception of a kind of impurity which is basically rooted in symbolical considerations.

If we accept this view, then, the legislative effort of the Portuguese Liberals of the first half of the 19th century and the subsequent development of new burial practices can be seen in a new light. Those who espoused the *mort apprivoisée* dealt with the threat which death presented to society by the ritualisation of death. In this way, death was appropriated by society as a means of expressing 'the core of life values sacred to it'.¹⁶ Those who were buried inside the churches or in churchyards remained at the very centre of the social life of the community to which they had belonged. When the living gathered for prayer, the dead were beneath their feet, thereby emphasising that membership of the religious community created a unity which reached beyond the grave. To this day, in rural Minho, the comments of the *almocreve* in Júlio Dinis' 19th-century novel *A Morgadinha dos Canaviais* can still be heard: the graves do indeed look nice, like those in the cities, but the cemetery is a cold and wet place, where the dead are left alone, uncomfortable, and unprotected.

For those who started experiencing death as *sauvage*, however, the symbolism behind the traditional ritualisation of death was no longer sufficiently strong to deal with the threat which death presented to the social group. The dead, therefore, had to be physically marginalised, for their impurity was no longer controlled and co-opted by ritual means.

III

The view of the Liberals had a lasting effect in the development of attitudes to death in Portugal as a whole. Nevertheless, these views remained a feature of a specific group within the larger society. We do not pretend that these transformations broke what one might call a nationally unified pattern of belief - which has probably never existed. Precisely what prompted this study was the discovery that the attitudes towards death, dying, and the

¹⁶ For a more extensive discussion of this process in the Alto-Minho, see João de Pina-Cabral, *op. cit.*

dead of the peasants of the Alto Minho are still today rooted in a pre-Liberal view of death. But the crucial fact is that the group who accepted the new set of ideas, no matter how systematically, happened to dispose of an extremely effective resource: political power. This was the case after the victory of the Liberals over the Absolutists in the 1830s.

The Liberals held an unqualified belief in the powers of Law as a tool for social change and for the shaping of society. This may not be an individualizing feature of Portuguese political history, but it certainly was a hallmark of Liberal political philosophy. Oliveira Martins, although very critical of the Liberals' views, wrote the best acknowledgement of this fact when he referred to the legislation of Mouzinho da Silveira in the following terms: 'The laws of the 16th of May, 30th of July, and 13th of August [1832] are our 1789.'¹⁷

The Liberals legitimised their policies evoking several principles, among the most important of which was the concept of the 'lights of the century'. From a political stand-point the 'lights of the century' consisted of the principles of human rights and the tripartite distinction of powers. The attempt to put these principles into practice led to a growing complexity of the state's functions. Perhaps the most commonly quoted example is that relating to literacy and the school system. But we can add the implementation of a national network of 'health administrators' suggested by the 'lights' of medical science. There, the State met death.

Pascal Hintermeyer¹⁸ has argued that the concern of the State with death could have its own, specific rationale, the 'control of death' entailing the extension of the State's authority over the living - be they individuals or groups - and their minds. This was certainly not an expressly stated concern of the Portuguese Liberals, although it was in keeping with their attitude of ignoring diversity and imposing uniformity. This becomes evident in their attitude towards religion.

The first bill passed on the issue of death and cemeteries was dated the 21st September 1835, and it states that the traditional ways of burying the dead were 'superstitious' and 'offensive to the respect and veneration due in holy places'. Rodrigo da Fonseca Magalhães, the minister who submitted the bill, explains there that it was due to the 'ignorance of the Middle Ages' that such a 'shameful abuse' could have been transformed into a 'religious duty'. He continues

¹⁷ J.P. Oliveira Martins, *Portugal Contemporâneo* [1882], Lisboa: Guimaraes e Cia 1976 (8th ed.), p. 352.

¹⁸ *Politiques de la Mort*, Paris: Payot 1981.

Even in those days of obscurity and harshness of costumes the voice of the enlightened religion, free from prejudice, could be heard against such practices.

And he proceeds to quote the bans on burials inside churches made by the councils of Braga (563), Meaux (845), Tribur (895) and Reims (1117) - in this way demonstrating an uncommon theological erudition. Thus, for the Liberal legislators there was no question of attacking religion. Reason and Faith were not reputed incompatible. For the Liberals there was rather the need to clean up popular religion. This was possible in so far as they regarded the latter as basically centred on a core of sound Roman Catholicism from which some principles had been extracted and a lot of 'superstitions' added.

This view of popular religion which persists to this day¹⁹ denies it a basic unity and identity and as such greatly misunderstands its nature. Even if, to the eyes of a literate person with a theological training, popular religion may appear to lack consistency as it fails to be structured in a strictly logical fashion, its basic unity and identity cannot be denied. To attempt to 'purify' it by subtracting all the 'superstitions' or 'pagan' elements and leaving the rest behind, is to fail to understand its unitary nature. It is precisely why such an attempt was perceived as a full-scale attack on religion, and released the fury of the people in 1846. Being convinced that 'the wise words of a handful of enlightened men are lost amidst the general blindness',²⁰ the Liberals took the risk of enlightening the blind by force. History did not accommodate their dreams. The data on cemeteries which we present below and the Maria da Fonte Revolution, which has been discussed elsewhere by Rui Feijó,²¹ are the clearest signs of this failure.

¹⁹ For a detailed description of this attitude as it is manifested in Minho today, see João de Pina-Cabral, 'O Paroco Rural e o Conflito entre Visões do Mundo no Minho', *Estudos Contemporâneos* [Porto], Vol. II (1981), pp. 75-110. On this issue see also Antonio Joaquim Esteves, *Religião Popular: Formas e Limites do seu Poder Constituinte*, Porto 1977.

²⁰ Rodrigo da Fonseca Magalhães, Law of the 21st September, 1835.

²¹ Rui Graça de Castro Feijó, 'Mobilização rural e urbana na Maria da Fonte', in Miriam Halpern Pereira *et al.* (eds.), *O Liberalismo na Península Ibérica na primeira metade de século XIX*, Lisboa: Sá da Costa 1981, ii, 183-193. See, in the same volume, Maria de Fatima Sá e Melo Ferreira, 'Formas de Mobilização popular no liberalismo - o "cisma dos monacos" e a questão dos enterros nas igrejas', pp. 161-168.

IV

It is not easy to create a detailed picture of the practices of burial in Portugal in the early 19th century since they were not specifically recorded by the participants. The accounts of attitudes to death and burial at this time given by British travellers, however, prove to be particularly interesting in relation to this issue. These were written by Protestants whose attitudes to death were already akin to the *mort sauvage* and who were deeply shocked when confronted with traditional, Catholic burial practices. We shall base ourselves in particular on the account given by A.P.D.G. in his *Sketches of Portuguese Life, Manners, Costume, and Character* (London 1826), as we feel it deserves particular attention because of the author's evident knowledge of Portuguese, his sharpness of observation, and the general wealth of information conveyed. The obvious distaste which he expresses for what he describes can be taken as an assurance of partial disinterest. He is certainly led to describe facts which, today, would shock most of us but which, for the participants, at the time, were commonplace.

Two aspects of death and burial in Portuguese towns at the time appear to have shocked him most. These are precisely those characteristics of the *mort apprivoisée* which Ariès considers to be the most central: the familiarity with death and the dead, and the public nature of the process of dying.

After having described the ceremonial preparations which were undertaken when a person was seen to be approaching death, A.P.D.G. comments:

When the procession [with the Holy Sacraments] arrives at the sick person's door, the canopy and the lanthorns are rested against the wall, and every one goes into the room, not excepting even the rabble who, more out of curiosity than devotion, have followed the host. For such is their incontestable right: and thus are the sufferings of the dying exposed to the gaze of an uncompassionating mob.²² It is true that the Portuguese see this in a very different point of view from that which we take, when we attach ideas of decency to dying peaceably and quietly. They deduce very advantageous consequences from a numerous collection of persons round the sick bed; as they conclude that,

²² 'A revolting custom universally prevails here of suffering the street door to remain open on such occasions, to the intrusion of every rude and careless observer', [Anon.], *The World in Miniature: Spain and Portugal*, (Frederic Shoberl, ed.), London 1827, ii, 239.

however scanty the prayers of each may be, every little aids; and no one is therefore excluded.²³

Death was public in the sense that everyone was encouraged to participate in the process of each person's death (as it is still the case in the rural parishes of Minho), but also in the sense that the familiarity that was felt towards the bodies of the dead made it unnecessary to rid the public eye of their presence. Indeed, it made no sense for the Portuguese city-dwellers of the early 19th century to bury someone without religious ceremony. For this, however, the presence of priests was necessary and these had to be paid for. The poorest, therefore, were reduced to having to beg for alms after a death. This the English travellers found shocking. A.P.D.G. tells us: 'Many are seen laid out just in the state in which they died, with an earthen bowl upon their bodies, to receive the alms of the people who may chance to pass the way',²⁴ and, again, another traveller: 'it occasionally happens that a dead body is seen lying on the back in the open streets, with a little cup or pan placed upon the breast, for the reception of voluntary subscriptions to defray the expenses of burial'.²⁵

Indeed, still today, the burial of anyone without religious ceremony in the eyes of the *minhoto* peasants is nothing less than absurd. It is via the ceremonial actions of the representatives of the Church that death is ritualised and is appropriated by the social group. In the deeply conservative region where João de Pina-Cabral carried out fieldwork there was an upsurge in 1976 against the local presence of members of the Portuguese Communist Party. In one town, a local man who had expressed pro-communist views was attacked by a mob and killed. It was then necessary to bury him, for which purpose the priest was of course called. Following the orders of the Archbishop, however, the priest refused to bury him if any Communist Party flags were flown at the funeral. In the middle of the funeral procession someone brought out a flag, at which point the priest went home. This caused such havoc that it was necessary to call another priest and, this time, no one dared to show a flag. The man was finally buried as a Christian, to everyone's satisfaction.

The construction and utilisation of cemeteries, something which was imposed by law when the liberal bourgeoisie came into power in the 1830s, presented a direct threat to the population. In the cities (as opposed to the rural areas), this was less true, for, by the middle of the 19th century, attitudes were already changing, and cemeteries had become necessary as a result of rapid demographic increase.

²³ A.P.D.G., *op.cit.*, p. 239.

²⁴ *Ibid.*, p. 246.

²⁵ [Anon.], *The World in Miniature*, ii, 242.

Two innovative aspects are noteworthy in relation to burials in cemeteries. First, cemeteries are apart from churches even though they are holy ground. This represents a change in attitudes in which the previous familiarity with the dead is transformed into a stronger need to separate the realm of the living from that of the dead. The congregation no longer prays on top of its dead. Interestingly, as the *minhoto* peasants started to adopt urban practices and build cemeteries, they found it nevertheless impossible to give up completely the previous sense of familiarity with the dead which was an expression of the strong feeling of parish community. When cemeteries were built, they were placed as near to the churches as possible, in the path which the processions follow when they go round the church and the *cruzeiro* (big stone cross) on feast days. This is, in fact, in contravention of the original Health Laws which specified that a cemetery should be on the borders of inhabited zones. In none of the cases presented in Table 3 below was the cemetery further than 100 yards from the church. Furthermore, in many parishes, neighbours always go to visit the dead after Mass on Sundays, thus re-establishing the link which the building of the cemetery had threatened to sever.

The second feature of cemeteries which represents a radical change in attitudes is the existence of separately marked graves belonging to different families. As Ariès pointed out,

The need to reunite in perpetuity, within a separate and closed space, the dead of a family corresponds to a new feeling which eventually spread to all the social classes during the 19th century [in France]: the affection which ties the living members of a family is extended to the dead.²⁶

This tendency seems to have begun in France in the 16th and 17th centuries. At that time, and particularly among Protestant families, there appeared a new tendency to stress what Natalie Davis calls 'the family arrow in time and space', by means of a concern with family history, a limitation of active kinship links, and a stronger concern with family planning. Among Catholics this tendency was checked by a strong concern with inter-familial, communal links which were expressed in 'the traditional Catholic forms [of burial which] were connected directly or symbolically with corporate institutions hardly moribund in the 16th and 17th centuries, such as village assemblies and vestries, professional groups and craft guilds, confraternities and the like'.²⁷

²⁶ Ariès, *Essais*, p. 153 (our translation).

²⁷ Natalie Zemon Davis, 'Ghosts, Kin and Progeny: Some Features of Family Life in Early Modern France', *Daedalus*, Spring 1977, pp. 87-114; at pp. 99-100.

In cemeteries, neighbours are not placed in an indistinguishable group as they had been in churches or, in some cases, in churchyards; people no longer pray for the parish dead, but for 'their own dead' (*os nossos mortos*) - the dead members of their family. The two tendencies, however, co-exist - the pull of the community and the pull of the family. This co-existence, which is not a recent phenomenon, is reflected in burial practices. The burial in separate, decorated family graves in the cemetery merely comes as an indication of the progressive weakening in rural Minho of the 'feeling of community'. Nevertheless, this tendency should not be exaggerated. Ariès reports that the practices attached to the day of All Saints changed considerably during the 19th century. Previously, the physical presence of the tomb, he argues, had not been necessary.²⁸ In rural Minho the practices followed these days are very similar to those in urban settings where death is more feared, but with at least this one significant difference: while in the cities people visit the graves of their family and those of their close relatives, in the rural areas the visit to the cemetery is used as a ritual of parish unity and the graves visited, apart from that of one's own family, are those of one's favoured neighbours (the 'friends'), and of neighbourly households which had a death in the course of that year.

V

At this point, we have to distinguish between the ritual utilisation of death as an expression of a 'feeling of community' attached to particular social groups - such as the parish in rural Minho - and death as an expression of a feeling of identity or equality among all men - something akin to Turner's concept of *communitas*. The expression of a kind of *communitas* at the moment of death is central to Catholic thought. Anyone who has lived in

²⁸ Wilson, *op.cit.*, p. 444, argues against Ariès, saying that 'there is reason to believe...that the Day of the Dead was a traditional and not a modern festival, and that people visited and dressed graves collectively on this and other occasions, as well as leaving ritual offerings of food and drink for the dead'. For a discussion of All Souls' and All Saints' Days that relates them with the expression of *communitas* which is discussed below, see Victor W. Turner, *The Ritual Process: Structure and Anti-Structure*, Harmondsworth: Penguin 1969, p. 171.

Portugal for any length of time is familiar with the expression of this attitude in statements such as 'in death we are all equal', or 'we all land up here, poor and rich alike', etc. Another such manifestation is found in the shrines to the Souls of Purgatory which line the roads in the north of the country, where one often finds amidst the flames kings, bishops, men, women, old and new - all naked or partially so, and all similarly burning. But, while in the countryside this attitude is deeply related to the expression of the 'feeling of community' which unites all the neighbours of a parish, in the urban areas the identity among all persons is manifested independently as a value in its own right. The death of each is a *memento mori* to the others, as it reminds them of the basic identity of their fates and the vanity of their strife for difference. In a chapel in Evora where the walls are completely lined with bones, there is an inscription which is placed in such a way as to be the last thing the visitor sees before he leaves. It manifests this conception powerfully and concisely: 'The bones that here lie, for yours await.'

In the context of Portugal this separation between the expression of 'community' and of 'communitas' seems to apply to all urban groups even when they espoused the *mort apprivoisée*. This is evident from the English travellers' accounts of burial practices in early 19th-century Lisbon, cited above. In spite of the public nature of death, and in spite of the expression of a symbolism of 'communitas' in the burial practices, in the cities, death is more a manifestation of differences between men than of 'community of interests' and therefore of active cooperation. Once again we are speaking of a continuum between two poles, for even in the most isolated *minhoto* parish where the death of one neighbour involves practically all the other neighbours in manifestations of mourning, the rich receive a 'better' or 'prettier' (*mais bonito*) burial than the poor. There is, however, a resistance to the expression of this difference which is very strongly felt. A student of one of the authors, who is from Minho, said that he caused panic and anger among his rural neighbours when, on coming back from the city for his uncle's burial, he insisted on the use of a motorized hearse for which not every one could afford to pay.

But, as in all such cultural areas where ideology enters at least partially into conflict with the material state of affairs, the symbolic expression of values is here rather contorted. In Minho, one finds many manifestations of the kind of symbolic somersault which Natalie Davis encountered when she speaks of the 'ostentatious doles to the poor' which were given by the rich under the guise of a feeling of human brotherhood, but which were really manifestations of status inequality.²⁹ Similarly, in rural Minho, one finds the practice of calling more priests to attend the burials of the rich than those of the poor. The reason

²⁹ Davis, *op.cit.*, p. 94.

for this is ostensibly that the services of more priests procure a greater benefit in the afterlife. The poor neighbours, however, explain it differently, saying that the rich should have more priests, not so that they should have a spiritual advantage, but because by virtue of being rich they have more sins for which to answer. The utilisation of a greater number of confraternity flags as a mark of prestige, and the presence of a greater number of people at the burials of the rich and famous, may be interpreted in a similar light.

VI

The first law regarding burial practices (21 September 1835) specified in basic terms that:

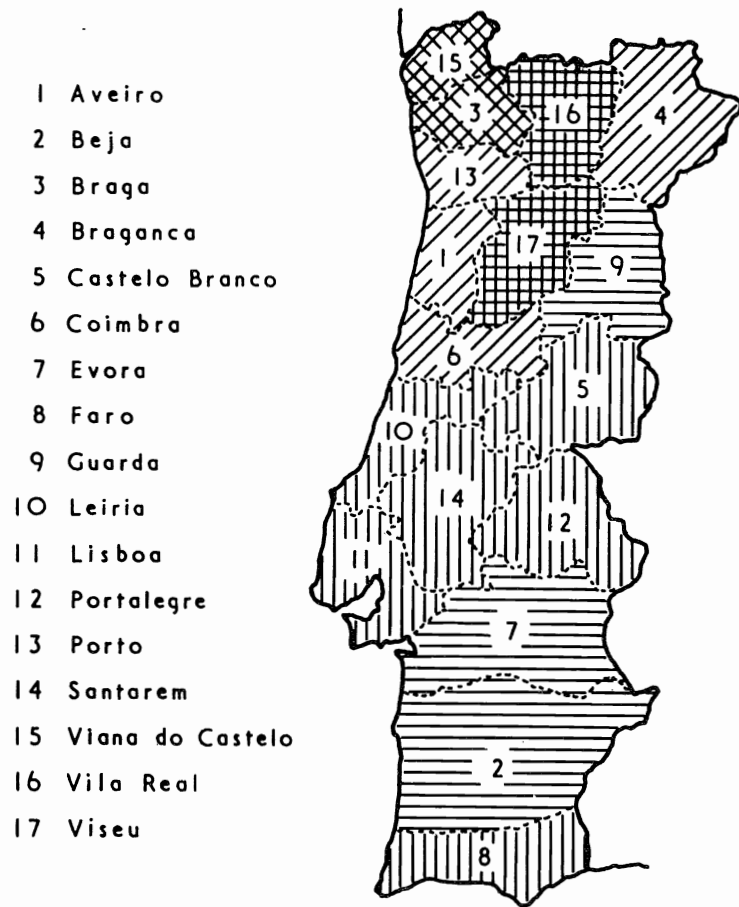
- (i) in every locality there should be established a public cemetery in a piece of ground far from dwelling areas, to be ready within four months from the publication of the law;
- (ii) Each corpse was to be interred in a separate grave, although the persistence of locally traditional practices regarding funerals, interments and graves was allowed;
- (iii) Any priest allowing a dead body to be buried outside the public cemetery would be deprived of his job and become unable to be appointed to any other.

Feeling that these laws had not had the desired effect, Costa Cabral, a powerful Liberal minister, passed a new, more comprehensive and radical set of 'Health Laws' (18 September 1844). These, once again in basic terms, ordered that:

- (i) A national network of 'Health authorities' be established. Amongst the duties of the new functionaries were that they should oppose burials inside churches, confer death certificates, and charge fees for each burial permission - except to the very poor;
- (ii) The dispositions of the previous law regarding the construction of cemeteries be renewed and the control over burial practices tightened.

Public resistance to the enactment of these laws was very strong, particularly in the northern rural areas which were predominantly characterised by a system of independent peasant farming. On the one hand, there were popular uprisings which event-

MAP I OUTLINE MAP OF PORTUGAL, 1862



Numbered districts correspond to those shown in Table I

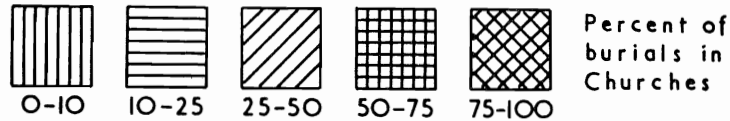


Table 1: Burial Patterns in Portugal, 1862

DISTRICTS	1	2	3	4
Aveiro (1)	51.6	0.1	1.2	47.1
Beja (2)	82.2	0.1	0.1	17.6
Braga (3)	6.0	0.4	0.9	92.6
Braganca (4)	55.4	0.4	0.2	43.9
Castelo Branco (5)	99.8	0.1	0.1	0
Coimbra (6)	63.4	0.1	0.2	36.3
Evora (7)	77.5	0.2	0	22.3
Faro (8)	95.9	1.0	2.4	5.9
Guarda (9)	85.2	0.4	0	14.3
Leiria (10)	96.3	0.3	0.2	3.1
Lisboa (11)	98.0	1.2	0.1	0.8
Portalegre (12)	92.8	0	0	7.2
Porto (13)	46.7	0.6	5.1	47.6
Santarem (14)	97.3	0.3	0	2.4
Viana do Castelo (15)	17.6	0.3	0.4	81.7
Vila Real (16)	46.6	0.2	1.7	51.5
Viseu (17)	44.6	0.2	0.3	55.0
AVERAGE	67.5	0.4	0.9	31.2

Notes:

a. Column headings: 1 = Public cemetery
2 = Private vault in a public cemetery
3 = Private vault outside a public cemetery
4 = Church

b. Parenthetic numbers in this table correspond to the districts shown on Map I.

Table 2a: Burial Patterns in Porto, 1862

MUNICIPALITIES	1	2	3	4
Amarante	5.0	-	1.5	93.5
Baiao	15.8	-	0.2	84.0
Bouca	90.2	3.7	0.6	5.5
Felgueiras	0.7	0.2	-	99.1
Gondomar	90.3	1.4	-	8.3
Lousada	3.8	0.3	-	95.8
Maia	92.6	1.2	-	6.2
Marco de Canaveses	4.5	-	1.0	94.5
Pacos de Ferreira	-	-	0.7	99.3
Parades	5.9	0.3	-	93.8
Penafiel	12.2	0.2	0.2	87.4
Porto	71.2	0.1	17.8	10.9
Povoa de Varzim	52.5	-	1.3	46.2
Santo Tirso	27.0	-	0.4	72.6
Valongo	89.0	-	-	11.0
Vila do conde	29.8	1.5	6.4	62.3
Vila Nova de Gaia	87.3	2.1	0.9	13.3
AVERAGE	46.7	0.6	5.1	47.6

Notes:

a. Column headings: 1 = Public cemetery
2 = Private vault in a public cemetery
3 = Private vault outside a public cemetery
4 = Church

ually led to the Maria da Fonte Revolution in 1846, and which were definitely connected with the attempt by the civil authorities to enforce the Health Laws (as well as other laws which were seen as being similarly repressive); on the other hand - and this is the aspect with which we are concerned here - there was passive resistance, the extent of which can be judged from the data on burials provided by the 1862 census.³⁰ This source, which Joel Serrão argues to be rather reliable,³¹ registers all deaths occurring in that year, and presents a large amount of information about the dead person: age, sex, marital status, place of birth and death, occupation, and the place where the body was interred. The census specifies the following four places of burial:

- (1) public cemetery
- (2) private vault in the public cemetery
- (3) private vault outside the public cemetery
- (4) church

We are here concerned with the opposition to burials in public cemeteries and the building of these cemeteries. We are, therefore, mostly interested in distinguishing categories (1) and (2) from categories (3) and (4), particularly since those who accepted the new laws and bought a permanent site in a cemetery for their family's dead - category (2) - must not be merged together with those (mainly monks, nuns, and aristocrats) who were buried in private chapels or vaults inside religious buildings, category (3). The distinction between categories (1) and (2) must be seen as one of wealth and not one of belief.

Table I presents the proportion of burials taking place in each of the four categories described above for every Portuguese administrative district. Map 1 represents graphically the proportion of burials reported to have taken place inside churches. Both of these show clearly, we hope, how the practices relating to burial in the traditional way differed radically throughout the country. Some of these figures appear to be unreliable, and it is probably true that (perhaps for political reasons) the number of people buried in churches was underestimated. It seems to us improbable that no such burials had occurred in Castelo

³⁰ *Mappas Estatísticos dos Baptismos, Casamentos e Óbitos que houve no Reino de Portugal durante o anno de 1862*, Lisboa: Imprensa Nacional 1869.

³¹ Joel Serrão, *Demografia Portuguesa*, Lisboa: Horizonte 1973, p. 173. In spite of the general value of the source, we feel that two or three of the figures presented must be considered with some suspicion until further research proves them to be correct.

Branco, or that the difference between Guarda and Viseu could be quite so large (14.3% as opposed to 55.0%).

It is, nevertheless, clear that a fault-line divides the country. The south is generally below 20% (except for Évora with 22.3%); while the north is above 30%, that is, above the national average of 31.2%. Furthermore, in the north, it is possible to distinguish a zone of moderate resistance to the legislation (Coimbra, Aveiro, Porto, and Bragança - all below 50%) and a hard core of resistance in Braga and Viana, where the proportion of those accorded the traditional form of burial was over 80%.

This distribution of the percentages of burials in churches suggests that the main explanation for the variation is to be found in the different cultural characteristics of each region. In a nation so often said to be not one country but several bound together this is hardly surprising; yet, it is only a partial explanation.

In order to have a better understanding of this process in Minho, we consider in more detail the districts of Porto, Braga, and Viana which compose this province, bringing the analysis to municipal level (see tables 2a, 2b and 2c; and Map II).

In the district of Porto the capital city and its surroundings had a proportion of burials in churches below 20%; the municipalities on the northern coast (Vila do Conde and Póvoa do Varzim) had intermediate positions; and the mountainous interior rejected the legislation with percentages of over 70%, reaching in some cases 99% of all burials (Felgueiras and Paços de Ferreira).

In the district of Braga - the see of an Archbishopric and a traditionalist religious centre - there was not one single municipality where less than 80% of burials were in churches. Here, the capital city, unlike the city of Porto, did not represent a focus of obedience to the law, and the distinctions among municipalities are not worth further comment.

The picture in the district of Viana is similar to that of Braga, except for two municipalities which are credited with surprisingly low proportions of burials in churches: Caminha (52.8%) and Valença (15.2%). The former case may reflect the action of a particularly dynamic or authoritarian municipal authority, but the second case appears so much in contradiction to the others that a mistake in the census cannot be ruled out.

The inter-municipality differences are here noteworthy, as in Porto. Viana, Caminha, Cerveira, Valença, that is the coast and part of the River Minho valley, the area with the best communication network and with some of the largest population centres, had their proportion at least 20% lower than the mountainous area. This is perhaps enough to suggest that both the communication network and the process of urbanisation were in some ways associated with the spreading, if not of new ideas, at least of new practices in accordance with the law. This is a fact which may be witnessed still today since some of the most isolated parishes of the district of Viana still have no cemetery, and many of the cemeteries in this region were built only in the 1960s and the 1970s.

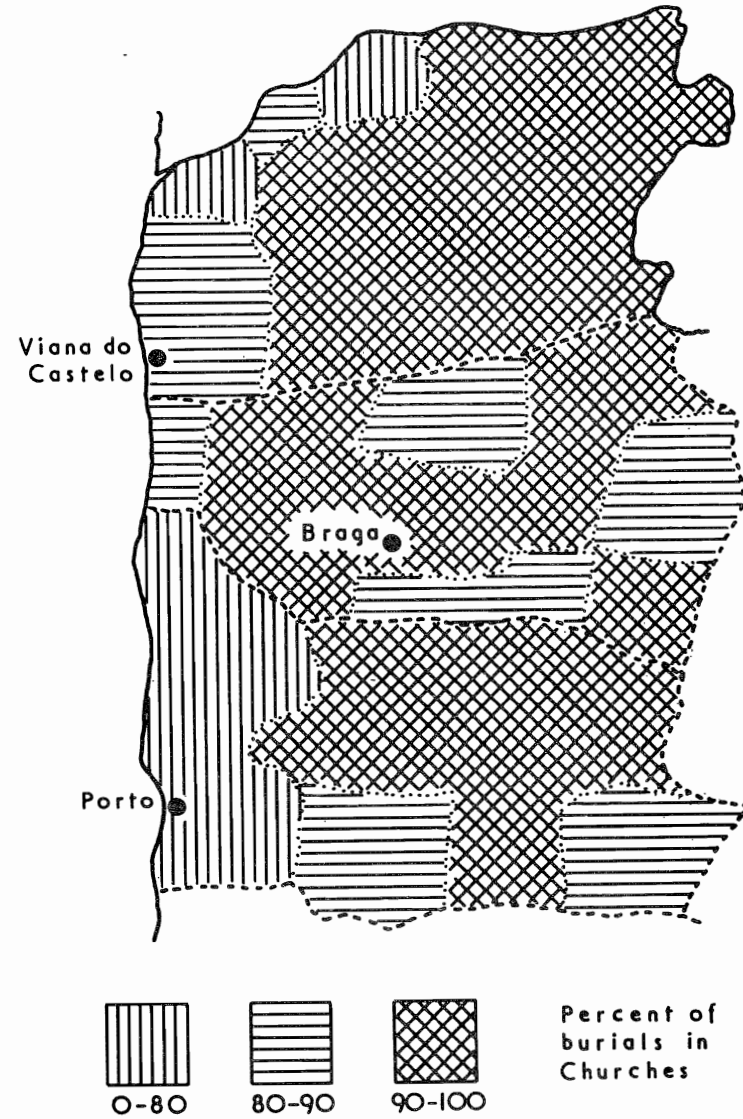


Table 2b: Burial Patterns in Braga, 1862 (District 3 on Map I)

MUNICIPALITIES	1	2	3	4
Amares	16.4	0.5	1.6	81.5
Barcelos	2.4	-	0.1	97.5
Braga	3.5	0.7	1.2	94.6
Cabeciras	19.0	-	-	81.0
Celorico	0.2	-	0.2	99.6
Espouende	12.3	-	-	87.7
Fafe	11.5	0.2	-	88.3
Guimaraes	8.0	-	3.7	88.3
Povoa de Lanhoso	2.6	4.6	0.8	92.0
Terras de Bouro	4.1	-	-	95.9
Vieira do Minho	0.4	-	-	99.6
V.N.Famalicao	6.7	0.2	0.9	92.2
Vila Verde	1.5	-	-	98.5
AVERAGE	6.0	0.4	0.9	92.6

Note:
Column headings: 1 = Public cemetery
2 = Private vault in a public cemetery
3 = Private vault outside a public cemetery
4 = Church

Table 2c: Burial Patterns in Viana do Castelo, 1862 (District 15 on Map I)

MUNICIPALITIES	1	2	3	4
Arcos de Valdevez	8.2	-	-	91.8
Caminha	47.2	-	-	52.8
Coura	1.5	-	1.0	97.5
Melgaco	6.8	-	-	93.2
Moncao	7.9	-	0.2	91.9
Ponte da Barca	-	-	0.5	99.5
Ponte de Lima	1.1	-	0.1	98.8
Valenca	80.6	2.3	1.9	15.2
Viana do Castelo	21.8	0.3	0.7	77.2
Vila N. de Cerveira	22.3	0.6	-	77.1
AVERAGE	17.6	0.3	0.4	81.7

Note:
Column headings: 1 = Public cemetery
2 = Private vault in a public cemetery
3 = Private vault outside a public cemetery
4 = Church

Table 3: Data on Cemeteries in Viana

Date of inauguration of some cemeteries in rural parishes of the district of Viana and the distance between them and the parish church.		
Santa Leocadia de Geraz de Lima	1885	15 metres
Castelo do Neiva	1888	3 metres
Lanhoses	1888	80 metres
Cabacos	1890(approx.)	
Vitorino das Pias	1900(approx.)	
S. Joao da Ribeira	1911	
Subportela	1912	100 metres
Facha	1914	
Correlha	1916	
Santa Maria de Geraz de Lima	1917	90 metres
Amonde	1919	100 metres
Meixedo	1928	30 metres
Crasto	1943	
S. Juliao do Freixo	1947(approx.)	
Santa Marta	?	"just outside"

Sources:

The source of the data in Tables 1 through 2c is *Mapas Estatisticos dos Baptismos, Casamentos e Obitos que houve no Reino de Portugal durante o anno de 1862*. Lisboa: Imprensa Nacional 1869. The data in Table 3 was provided by the parish priests.

VII

The opposition to the Health Laws was, therefore, stronger in Minho than elsewhere in the country. One of its most important manifestations was a declared resistance on the part of the population to the actual building of cemeteries under the conditions specified by the law. The story of the cemetery of the capital city of the district of Viana, extracted from the records of the municipality, exemplifies this point clearly.

In 1838, the General Administrator (a non-elected representative of the Government at the municipal level) ordered the municipality to fulfil its duties regarding the construction of cemeteries, and to demarcate and enclose land for this purpose in all parishes *within thirty days*.

In 1839, the municipality again ordered all parishes to choose the location of their cemetery. Later in the year, in response to the General Administrator, the municipality admitted that not a single cemetery was reported to have been constructed, the presumed reason being a 'lack of financial means'. Four years after the enactment of the law, no practical result had yet been achieved.

In December 1840, the cemetery of Viana, the first in the district, was inaugurated. The minutes of the municipality, dated the 30th of December, read:

Yesterday at noon, in the woods of the extinct monastery of St. Antony's, the public cemetery was blessed in all solemnity by His Reverence the Archdeacon of the *Julgado*, who had earlier on left the parish church incorporated into a procession in which His Excellence the General Administrator of the District, many clergymen, the municipal authorities, and armoured troops also took part.

In August 1841, the records of the municipality refer twice to the cemetery, first deploring the careless manner in which it was kept, and then suggesting it should be transferred to another place, a transference which was 'much desired by all the inhabitants of this city'. In July 1842 they state that 'it is evident that the present location of the cemetery does not please the inhabitants of Viana'. By then, the cemetery had already been closed on the orders of the Civil Governor. The opposition to the cemetery must have been very strong, and the municipality was faced with the fact that it had been unable to implement the national legislation.

At this point the story takes a new, unsuspected turn - the municipality decides to call for an examination of the cemetery's soil. 'The burial ground', the report of the experts reads, 'is absolutely inappropriate for its purpose, not only because of its argillaceous soil, but also for the reduced space for the graves it provides, and *for being too close to the city*' (our emphasis).

This was as 'scientific' and 'rational' a conclusion as the local intelligentsia was able to formulate. It saved the face of the municipality, but it did not reflect the real causes of popular protest. It also opened a door to the municipality, to find another place for the cemetery.

The new cemetery was inaugurated in 1855, and this time there is no mention of any ceremonies celebrating the event, and we presume there were none. In fact, the inauguration was the result of strong pressure exerted on the municipality by the Civil Governor of the District at a time when *cholera morbus* was threatening the city. Nevertheless, the municipality, still 'unwilling to go against the popular feeling so clearly manifested', exempted itself from the responsibility, claiming that the district authorities had abused their power. This time, however, twenty years after the first bill, the cemetery of Viana, a city of over 8,000 people, was open for good.

The opposition to the construction of cemeteries has continued right until our own days. In two separate questionnaires addressed to parish priests of the district of Viana we asked for details regarding their parishes' cemeteries. In some cases, the priests based their answers on parish registers; in others, on the date that is to be found in the gates of most cemeteries; finally, in some, on their own personal experience as builders of cemeteries. Their answers have been summarised in Table 3.

This is a random sample, made possible by the kind co-operation we received. No definite conclusion can be derived from it as regards the patterns involved in the timing of the cemeteries' construction, but it is certainly a good enough sample to show the failure of a law which was passed in 1835 making it compulsory for every parish to build a cemetery before the end of the year. In some cases, fifty years were necessary; in many, more than one century elapsed before the population accepted the idea of being buried in a cemetery away from the church.

VIII

Various explanations have been given for this popular resistance to cemeteries. Most of these must be discarded, being based on the values of the bourgeois élite which formulated them, rather than on those of the popular strata of the population. One of these is that burial outside churches is similar to that given to animals. Another is the fear that, by lack of adequate protection of burial grounds, animals might unearth corpses. The 1835 bill expressed these feelings in the following way:

One of the reasons offered to justify the refusal to bury the dead outside churches in the past is a

plausible one. The authorities charged with preventing burials in churches did not act as diligently to build cemeteries, sometimes limiting themselves to the choice of a piece of land, not enclosed and open to all sorts of animals, which provoked a scandal among people who could not accept so irreverent a treatment of their dead.

But, if burials in churchyards were indeed practised widely, and were even offered as an alternative to burials inside churches, it becomes difficult to see such an argument as at all valid. No ground could be less protected than that of the churchyard, if the activities of stray animals were really a concern. We feel that the best answer to this argument has been given by Camilo Castelo Branco, the famous 19th-century novelist:

In March that year [1846] the Septembrists of Braga incited the popular riots in the borough of Lanhoso. In England, in the House of Commons, Lord Bentinck explained, with tragic pomposity, the origin of the revolt, which with disdain he called 'a rebellion of the rabble'. He said that the Cabrals had ordered the construction of cemeteries, but had had no walls built round them, so that dogs, cats and wild boars got in in such numbers that they dug up the corpses. Nations and naturalists alike must have had a rather inflated idea of the size of the Portuguese cats which dug up corpses, and of the good relations between our dogs and the said cats in the task of exhuming them. They would have been no less surprised by the familiar behaviour of the boars who came from Gerês to collaborate with the dogs and cats in extracting rotten flesh from the soil of Lanhoso. And so the origin of the national insurrection of 1846 is defined in the annals of revolutionary Europe. It was a reaction, a battle fought by society against the swarms of dogs and cats and their allies, the profaning muzzles of the wild boars. And so it was that the journalists of Germany (a serious nation) wrote that the revolution in Minho was 'the model of legality'. The corpses served at the illegal night-time banquets of the boars and their friends, the big cats, growling with their hair on end, and the bloody-muzzled hounds - this was a case which greatly impressed the Teutons, because it was an act forbidden by the Constitutional Charter. Whether it was the Septembrists of Braga, or the united confederation of wild beasts, the fact is that the insurrection in the Alto Minho laid waste that province and Trás-os-Montes, the destruction embracing printed notices and the wines in the upland taverns. The war started by the cats and their accomplices cost the country a

capital loss of 77.5 million *cruzados*.³²

In fact, the fear of contagion through the indirect contact with dead bodies is a typically bourgeois phenomenon, and not a popular one. The Liberals were not only concerned with the actions of stray dogs and cats, they were also perturbed by indirect contact via the vegetable species that grow on the decaying bodies underneath the soil. The 'Rules to be Obeyed'³³ of the cemetery of Viana, laid down at the time of its construction, read

It is absolutely forbidden to grow any fruit tree, vegetables, or other kinds of food, or to keep poultry or other animals within the cemetery.

Eça de Queiroz, another famous 19th-century novelist, alights on the same issue: indirect contact with the dead presents no problems for those who experience death as *apprivoisée*. In his novel *A Capital*, a central character, Artur, visits his aunt's grave in the cemetery of Oliveira de Azemeis. There, he meets the cemetery keeper who is cutting grass. Artur ponders on how the grass which is growing on the grave, contains 'something' of his aunt, and enquires why it is being cut. 'This grass?', the cemetery keeper answers. 'This grass is very good. I cut it for my rabbits'.

To the 'enlightened', modern bourgeoisie, the dead were considered rotten substance, capable of transmitting disease, and were entities outside the community of the living. For the popular culture, they remained full members of a larger community, devoid of any negative stigma.

IX

In this paper we have attempted to plot out and understand a conflict between two views of the world which, in spite of their differences, must still be understood to belong to the same wide cultural tradition. In many senses, the conflict we described is best seen as the striving of one complex and internally diversified social group to cope with the constant becoming of its own perception of the world. This becomes clear when we, so to speak,

³² *A Brasileira de Prazins* [1882], Porto: Lello 1974, pp. 187-8. We would like to thank T. Earle for his help with the translation.

³³ M.S., *Livro das Sessões da Camara Municipal de Viana do Castelo* (16.9.1855-19.12.1857), Municipal Archive of Viana do Castelo.

look at the state of play. Even if everyone now accepts contentedly the fate of being buried in a cemetery, how can the Liberals' ideas be said to have won? The change took over a century to be effected, the cemeteries were not built where the law specified they should, and, when they were built, it was as much due to demographic reasons as to the acceptance by the popular culture of Minho of the 'lights of a century' that have long since passed, and whose 'lights' are no longer those of the 20th century.

We would like to end on a note struck long ago by Van Gennepe when he argued that funerals are the primary occasion for the manifestation of the 'core of life values sacred' to a social group. This seems clear in relation to those who 'medicalised' death. By marginalising it, they were symbolically manifesting their desire for life. But the same applies to their opponents who, contrary to them, were willing to share their daily life with the dead and to look frontally at death. They only did so because death was co-opted and became the moment *par excellence* of the ritual manifestation of those values which they saw as the driving force of their social life.

BRIAN JUAN O'NEILL

DYING AND INHERITING IN RURAL TRÁS-OS-MONTES

I. Introduction

This paper deals with the two closely linked processes of dying and inheriting in a small rural hamlet in North-east Portugal. I place major stress upon the element of *time* involved in the transmission of property over the generations. Hence, I am not concerned here primarily with the strictly ritual aspects of death as a rite of passage in the traditional anthropological sense, nor with purely descriptive elements of the discrete events of 'death' and 'inheritance'. Rather, I will look at a specific form of property transfer (*post-mortem* partition) and its long-term effects on the entire social structure over time. Following Jack Goody,¹ we might expect that the precise timing of this property transfer has repercussions throughout the society. This is indeed the case. Fontelas is a most peculiar place, especially if viewed through the eyes of 'Mediterranean' anthropological theory. I propose that this peculiarity itself is a function of a particularly rigid form of delayed inheritance at death.

This paper follows a simple sequence. After a brief introduction which situates the hamlet under study, Section II deals with the process of 'dying' in two respects. I look first at the

¹ Jack Goody, with Joan Thirsk and E.P. Thompson (eds.), *Family and Inheritance: Rural Society in Western Europe 1200-1800*, Cambridge: Cambridge University Press 1976; see 'Introduction' and 'Inheritance, Property and Women: Some Comparative Considerations', pp.1-36.

short periods of time immediately preceding and following a death, and secondly at the extreme stress placed by this society upon ties of 'descent' and the *downward* transmission of property over the generations. It is at death and not at marriage that key transfers of property and domestic power take place in Fontelas. Finally, Section III further elucidates the link between dying and inheriting by examining (a) the short-term steps involved in the partition of property, and (b) the long-term effects of delayed inheritance upon the social structure as a whole. I conclude that this specific mode of *post-mortem* property transfer constitutes the principal 'clue' to an understanding of the society's major features.

'Fontelas' is a rather tiny rural hamlet located in the northern Portuguese province of Trás-os-Montes.² In the middle of my period of fieldwork (mid-1977) the hamlet comprised 57 inhabited households with a total population of 187. Although two daily buses connect the hamlet with the municipal town (Vinhais) and the district capital (Bragança), Fontelas' general geographical isolation is obvious. The hamlet is situated within a high plateau region characterized by predominantly manual agriculture. Three tractors have been purchased over the last two decades (the first in the 1960s and the following two in 1970), while two mechanical reapers and a threshing-machine have also been incorporated within the hamlet's productive system. However, most tasks are still carried out with sickles, scythes, hoes, and picks. Wooden ploughs and ox-carts constitute a rural household's basic farm equipment. The Mediterranean trio of wheat, wine, and olives is quite absent here, where the cooler climate and mountain location favour the Central European crops of rye, potatoes, and chestnuts. Only a handful of wealthy households ever sell surpluses of the little wine they produce, while smaller quantities of maize, legumes, and walnuts are also grown. Some quantities of chestnuts and potatoes are also sold, but certainly not on a scale that would properly merit the term 'cash crops'. Agriculture in Fontelas is basically small-scale: it is directed almost exclusively towards household consumption and internal hamlet exchanges.

Internally, the hamlet's physical appearance presents a sharp contrast between the older, stone houses and the more recently built brick and cement houses constructed by emigrants and their relatives. Despite the arrival of such painted and flamboyantly coloured houses in recent years, the general contours of the hamlet remain dominated by the older stone structures. At the time of my fieldwork there was no electricity in Fontelas, no televisions other than the priest's (itself only battery-operated), and for

² Fieldwork in 'Fontelas' (a pseudonym) was carried out continuously from March 1976 to September 1978. Special thanks are extended to the Calouste Gulbenkian Foundation in Lisbon for a research grant, and to José Cutileiro, Julian Pitt-Rivers, and Peter Loizos for supervision of my doctoral thesis.

most of the year the unpaved hamlet streets and paths were veritable piles of dirt and mud. Most houses used the open hearth rather than butane-gas stoves for cooking throughout most of the year and for the smoking of pork in the winter.³ The interiors of kitchens in the older stone houses were invariably pitch-black. Only the priest and the bus-driver (a temporary resident) had cars. Despite the wave of emigration to France and West Germany in the 1960s, the general aspect of Fontelas as late as 1978 was still that of an isolated, 'backward' peasant community.

Four major social groups have constituted the social hierarchy of Fontelas since at least the mid-nineteenth century. My survey of all of Fontelas' landholdings in 1978 indicates that these social groups continue to maintain distinct economic and social characteristics linked closely to the ownership of land. The 4 *proprietários* (large landowners) own landholdings of an average size of 43 hectares each, and tend to rent out some of their land to poorer villagers. These 4 households own virtually all of the agricultural machinery in the hamlet, and have historically constituted the wealthy élite of local notables occupying key posts on parish and municipal councils. The second group is that of the 6 *lavradores remediados* (well-off 'ploughers') who own landholdings averaging 25 hectares each. Many of these villagers are related by kinship or marriage to a number of the wealthier *proprietário* households.

The third social group is that of the 14 *lavradores* ('ploughers') who own landholdings averaging 8 hectares each. The social origins of individuals in this group are quite distinct from those in the two upper groups: many of today's *lavradores* were in fact poorer day-labourers, servants, or shepherds in the past. Most villagers in this group have managed to consolidate just enough disparate plots of land (through borrowing, rental, and clearing) to be able to maintain a plough-team of two draught animals. The fourth and poorest social group is that of the 31 smallholders. These villagers were formerly *jornaleiros* (day-labourers) who worked for wages in kind or money. Today they own landholdings averaging only 2½ hectares each. None of the smallholders owns a plough-team, and most must borrow equipment or pay for the ploughing services of other co-villagers.

This picture of current hierarchy is reflected by both civil and ecclesiastical documentary sources from the nineteenth century,

³ By 1982, a number of substantial improvements within the hamlet have altered this picture dramatically. An entire series of newly constructed houses on the outskirts of the hamlet have come to constitute a 'new section' called *o bairro novo*; electricity has been installed, bringing with it refrigerators and televisions; the central hamlet paths have been laid with cobblestones; a new schoolhouse has been built; and a new *Casa do Povo* (People's House) serves the inhabitants of Fontelas and its surrounding hamlets in a social-service welfare capacity.

and should warn us against viewing Fontelas as an 'egalitarian' community in which 'everyone owns their little plot of land'. This hierarchical structure will provide an important background to the processes of inheritance examined in Section III below.

A number of corporate institutions also characterize the hamlet's social organization, but these elements should not imply that villagers continue to live (or indeed ever lived) in a state of pristine communal bliss. There are four fully collective water-mills (*moinhos do povo*) in Fontelas, only one of which currently functions. Also in use today are three corporate baking-ovens (*foros do bairro*) located in three of the hamlet's poorer sections. But alongside these forms of communal and corporate property, there are also three individually owned water-mills (not functioning) and 20 private baking-ovens. Both collective and private property thus co-exist in Fontelas. The hamlet council (*conselho*) is called together to discuss common hamlet concerns and to implement the reconstruction and repair of communal property. Also of interest is the rigid system of summer irrigation turns: this system of rotation allocates strict turns (*tornas*) of water to the co-owners of three corporate water-pools. The presence of all of these corporate institutions as well as the practice of unpaid day-labour exchange (*tornajeiras*) situate Fontelas within the context of Iberian collectivism.⁴ This does not mean that these villagers are any more 'democratic' or naturally cooperative than other villagers in different regions of the Iberian Peninsula, but rather that the specific ecological constraints of Fontelas' location have necessitated particular forms of the pooling of property and labour.

We will see below that this particularly bleak geographical situation sets strict limits upon villagers' economic activities. European mountain agriculture has probably always been a relatively precarious endeavour.⁵ But it is this generally poor mountain agriculture that also conditions key elements in Fontelas' social system. Elderly villagers must be assisted throughout their old age, and the hamlet's predominantly manual agriculture requires a particularly rigid form of the *avoidance* of patrimony division. In this sense, we should bear in mind that the processes of dying and inheriting analyzed below occur within an especially small and 'peripheral' ecological niche.

II. Dying as a Social Process

The process of dying in Fontelas is in no way limited to the physical reality of sickness or death. This is perhaps an area that has not been treated with great attention in the ethnography of European rural communities. A general analytical focus on the strictly religious aspects of the mourning period, and on formal obligations to the dead, has perhaps underplayed the equally significant period of time *prior* to a death.⁶ Let me briefly stress here one aspect of this period by highlighting the proliferation of gossip which abounds as a death approaches. A close look at this gossip will lead us directly into the link between dying and the inheriting of property.

Gossip about a villager's property may begin well before a terminal illness. In this case (as in those of old age) such gossip understandably heightens as the prospect of imminent death increases. Two of the major topics touched on by most co-villagers are: (a) the specific pieces of property owned by the dying villager, and (b) the tenor of the social relationships between the latter and his/her closest relatives. These two topics do of course intertwine, as property relations and kin relations clearly blend together. Many subjects are discussed: the villager's life-history, reputation, personal relationships, and his/her inherited and acquired property. The most minute characteristics of the villager's personality, and the most specific examples of past behaviour are described, discussed, and evaluated. But the approach of death adds a rather dramatic note of expectation and uncertainty to these comments. Upon the villager's death, who will get what? Who are the person's legitimate heirs, and what are their specific economic circumstances? Will the property be partitioned equally, or does a will favouring one legatee enter the picture and complicate matters? The speed with which this gossip spreads is quite striking, and in the priest's eyes is indicative of these villagers' 'obsession' with *terras* (plots of land).⁷

⁶ This is not meant as a criticism of these major ethnographers' treatment of death. Rather, for reasons that will become clearer throughout this paper, this 'pre-death' period has a very important and specific role within this particular society's inheritance system. I suspect that comparable structures, in communities where death and inheritance are *not* so closely linked, may of course not catch the eye so quickly.

⁷ The villagers' extreme interest in *terras* is the priest's most often-cited reason for desiring to give up his job and leave Fontelas altogether. Padre Gregório sees this excessive concern with land and inheritance as a degenerate form of 'materialism'. He has for many years sought to escape from this 'vicious circle of stingy peasants' by requesting the Bishop to transfer him to Angola or Mozambique as a missionary.

⁴ See Jorge Dias, *Rio de Onor: Comunitarismo Agro-pastoril*, Porto: Instituto Para a Alta Cultura [Centro de Estudos de Etnologia Peninsular] 1953; and Susan Tax Freeman, 'Corporate Village Organisation in the Sierra Ministra: An Iberian Structural Type', *Man* (n.s.), Vol. III (1968), pp. 477-484.

⁵ See B.H. Slicher Van Bath, *The Agrarian History of Western Europe: A.D. 500-1850* [Trans. O. Ordish], London: Edward Arnold 1963; and Fernand Braudel, *Capitalism and Material Life*, London: Fontana/Collins 1973.

Much of the talk prior to a death centres on the imminent redistribution of the individual's patrimony: this talk usually circulates in subdued, whispered tones. Such gossip is frequently a mixture of fabrication and fascination about other villagers' property rights rather than precise knowledge of the legal facts involved. Indeed many heirs themselves are not always clear as to the specific legal details of inheritance even in their own cases. However, this fabrication about others is of interest in itself: it points to a particularly acute perception of the implications of death in Fontelas. While death clearly brings about the *end* of a living individual, it also marks the *beginning* of a process of property redistribution. It is both of these processes together that give death in Fontelas such a pivotal role within the transfer of patrimony over the generations.

The gossip I allude to here continues throughout the actual days between a villager's death, the accompanying vigil and funeral, and through the days and weeks following the death. It is the anticipation of the social and economic reorganization of kin and property relations which is sparked here, and which is so visible in villagers' gossip. In this sense, my stress on *process* attempts to highlight the time periods prior to and following a death rather than the death itself.

Of particular interest is the level of conversation during the *mortório*, or vigil.⁸ Following a few formal statements to the close kin of the deceased and the sprinkling of holy water over the corpse (which lies for viewing in an open coffin), most visitors begin to mingle together in one of the main rooms or hallways of the deceased's house. Conversation here may reach quite loud proportions, and it is not solely limited to comments on the deceased. Occasional laughs and exclamations can be heard, and conversation may wander over the weather, the day's activities, relatives abroad, the news, national politics, or even the state of one's cows and pigs.⁹ Thus, conversation throughout these ritualized days oscillates continually between (a) complete

⁸ My fellow anthropologists, I hope, will forgive this heretical abbreviation of mortuary ritual in Fontelas. A detailed description of vigils and funerals is contained in Chapter 7 of my doctoral thesis (*Social Hierarchy in a Northern Portuguese Hamlet, 1870-1978*, London School of Economics, Dept. Anthropology: Ph.D. thesis 1982).

⁹ Both William Douglass (*Death in Murélagá: Funerary Ritual in a Spanish Basque Village*, Seattle: University of Washington Press 1969; at pp. 26-28) and Stanley Brandes (*Migration, Kinship and Community: Tradition and Transition in a Spanish Village*, New York: Academic Press 1975; at p.172) have noted similar attitudes towards conversation during vigils in Spanish rural communities, where laughter is not out of place and where a 'stone-faced solemnity' is absent. Douglass interprets this as a sign of a generally 'matter-of-fact' attitude towards death in the Basque village of Murélagá.

'avoidance' of the human tragedy through miscellaneous chat, and (b) total immersion in the wider implications of the death. In the latter case, there appears a dual 'telescopic extension of time' on both sides of the death. Firstly, one set of comments centres upon the past of the deceased (his/her personality, achievements, and former kin). Secondly, another series of comments lingers suspiciously around the future events which will re-order the relations of the deceased's close kin (the partition, the value of the property, and the life-chances of the heirs). The fact that this field of communication spreads so quickly throughout the hamlet is an indication of the power that death holds within the social structure: the implications of a death are profoundly unsettling and disturbing. Let us see now why this is so.

I turn here to a second time period - that immediately following a death - in order to stress a particularly salient feature of this society's kinship system. This is the extremely strong 'descent' tie¹⁰ between parents and children. This tie pervades the entire kinship system in both legal as well as social terms, and it far outweighs the very weak link in Fontelas between husband and wife.

Clearly, the period following a death is a particularly traumatic one for close kin. Many of the songs and verses from the hamlet's folklore point to the lingering feelings of loss when a parent dies:

*Olha tu, já não tens pai,
Tua mãe também morreu,
Diz-me com quem vives tu,
Diz-me com quem vives tu.*

Listen you, who has no father,
Your mother has also died,
Tell me with whom you live,
Tell me with whom you live.

*Eu vivo com um irmão meu,
Diz-me lá como lhe fazes,
Para lhe dar de comer,
Mandengando* pelas portas.*

I live with a brother of mine,
Tell me then what you do,
In order to give him food,
Begging at people's doors.

¹⁰ I use the term 'descent' here in a strictly European and *not* an Africanist sense to stress the vertical link between proximal ascendants and descendants. A number of authors (Goody, *op.cit.*; Emmanuel Le Roy Ladurie, 'Family Structures and Inheritance Customs in Sixteenth-century France', in Goody (ed.), *ibid.*; and Pierre Bourdieu, 'Marriage Strategies as Strategies of Social Reproduction', in Robert Forster and Orest Ranum (eds.), *Family and Society: Selections from the Annales*, Baltimore: Johns Hopkins University Press 1976, pp.117-44) also use the term in a similar way to refer to 'household lines' and the perpetuation of household property through time. The term 'lineage' poses the same problem as Goody rightly notes: "Lineage" is used in the medieval way, very different from current anthropological use' (Goody, *op.cit.*, p.21).

Mandengando pelas portas,
Quando não há que fazer,
Queria ir ao cemitério,
E eu sozinha tenho medo.

Queria ir beijar a campa,
Queria ir beijar a campa,
Onde tenho o meu segredo.

Queria ir beijar a campa,
Queria ir beijar a campa,
Onde tenho o meu segredo.

Begging at people's doors,
When there is nothing to do,
I wanted to go to the cemetery,
And I am frightened all alone.

I wanted to kiss the grave,
I wanted to kiss the grave,
Where I have my secret.

I wanted to kiss the grave,
I wanted to kiss the grave,
Where I have my secret.

*(i.e. mendigando)

The death of a parent implies a major readjustment of the labour and kin relations involved in domestic groups. These relations are particularly affected, for instance, by the drastic re-ordering of residence arrangements following the death of a second parent. After the death of a first parent the existing residence arrangements of a sibling group may not be reshuffled, and in many cases a partition of the first parent's property is postponed until the death of the second. As the bulk of a person's patrimony is transmitted 'downwards' to the latter's direct descendants and not 'sideways' to the surviving spouse¹¹, it is precisely this descent relation between the children and each of their parents that attains priority. In the song above, the daughter attempts to recover her parents by trying to break through the 'barrier' between the living and the dead (the grave or cemetery). But the song points at a deeper level to the general stress placed in the society upon both the emotional and property elements involved in vertical parent-child ties.

Also noteworthy here is the absence of a stress upon horizontal links of spiritual kinship. The *compadrio* link established at a baptism between the parents of the child and the two sponsors is not significant in Fontelas. The only occasions at which relations between *compadres* (male co-parents) and *comadres* (female co-parents) are activated is during labour exchanges, particularly at harvests. Co-parents merely constitute one further choice of potential cooperators, and they could equally

¹¹ Cf Jack Goody, 'Sideways or Downwards? Lateral and Vertical Succession, Inheritance and Descent in Africa and Eurasia', *Man* (n.s.), Vol.V (1970), pp.627-638.

be substituted by friends, neighbours, or distant cousins.¹² Of far greater importance in Fontelas are the vertical relationships established between the baptised child and the godparents: one's *padrinho* (godfather) and *madrinha* (godmother) occupy rather more significant positions. In the event of the deaths of both of a child's parents, in the absence of other close kin the godparents must ideally assume responsibility for the child's upbringing. In general, then, it is the vertical inter-generational tie of the godparents with the godchild that assumes an important role in Fontelas, and not the horizontal intra-generational one between the ritual co-parents. Strong parent-child ties of descent are here 'mimicked' by the vertical tie between the godparent and the godchild.

These points concerning the binding vertical ties of consanguineal and spiritual kinship in Fontelas suggest a particularly keen interest in the continuity of descent relations over time. Let us return to the theme of 'time' here in another form. The long period of time following a death involves quite a different series of events than those observable while an individual is dying. A certain 'process' is nevertheless discernible. This process is highlighted at obvious ritual moments, such as the three customary masses held for the deceased. These are the 'first week's mass' (*missa do sétimo dia*), the 'first month's mass' (*missa do primeiro mês*), and finally the 'first year's mass' (*missa do primeiro ano*). Following the last of these three masses the period of formal religious services terminates, but further masses said for the soul of the deceased may occur afterwards at any time or frequency. A later duty owed to the deceased by his closest relatives is that of All Souls' Day (*Dia dos Fiéis Defuntos*) on 2 November of each year. On this day a special mass is held for all of the deceased of Fontelas: the women of each household then place candles, flowers, and petals in patterned

¹² A similar lack of stress upon *compadrazgo* ritual kinship has been reported for three northern Spanish communities. Brandes states that 'the *compadrazgo*, as it is known in Latin America and southern Spain, is virtually non-existent in the peasant communities of Castile. In Becedas at least friendship and neighbourhood are the main avenues through which non-familial ties are expressed; they are, as it were, functional equivalents of the *compadrazgo*' (*op.cit.*, p.133). Similarly, among the Basques, Douglass has noted that 'there is little emphasis placed upon the tie established between the godparents and the natural parents of the child. The elaborate godparenthood relationship, which exists in other parts of Spain [as Pitt-Rivers has described], is not a feature of the social organization of Murélagu' (*op.cit.*, p.188). Yet more extreme is the Castilian hamlet studied by Susan Tax Freeman, where 'the term *compadre*, stressing the ties between the adults in the contract, is not in use in Valdemora' (*Neighbors: The Social Contract in a Castilian Hamlet*, Chicago: Chicago University Press 1970, p.141).

designs upon their relatives' graves. Following the 'first year's mass' this is the only day of the year when formal religious obligations to the dead are prescribed.

Yet throughout these formal stages of mourning and religious observance, another process also unfolds at another level. I do not mean to underplay the ritual aspects of the post-death period here, but rather to prevent these aspects from dominating our view of long-term processes. In this sense, it is quite as significant to look not only at the specific individual who has died but also at the *structural* position of that individual within a wider fabric of social and property relations. I have in mind the specific concept of 'generational time'¹³ in the sense of the reproduction of a social structure over time. Two questions are immediately suggested here. First, why is it that these specific vertical ties are so markedly stressed within the kinship system to the detriment of 'horizontal' ties? Secondly, what particular explanations can be given for the prevalent role of death as the key nexus controlling all major property transfers in Fontelas? I believe that satisfactory answers to both of these questions lie in this case within the 'structural law' of *post-mortem* inheritance, and that a number of clues leads us directly to this conclusion. The gist of the argument runs as follows.

Given Fontelas' specific geographical location and 'peasant' economy, strict limitations must be placed either upon the total resident population of the hamlet or upon the number of heirs to landed patrimony. If all households actually followed to the letter the legal prescription of 'equal division of property between all heirs' the ultimate result would be collective economic suicide. Each heir would end up with only a few millimetres of terrain. As Fátima Brandão has noted for the North-west Minho region: '... even when property could be divided, an actual division was not always possible or advisable owing to economic reasons'.¹⁴ In order to circumvent this, various strategies are effected towards the ultimate goal of *preserving the patrimony intact* as far as this is possible. We will see below that this key goal is quite closely linked to the 'peculiar' features of social structure I have hinted at: late marriage, celibacy, and high ratios of illegitimacy.

But here let us focus for a moment on the role of death. The basic problem is perhaps most easily conceptualised as a dichotomy, or structural opposition if you will, between the two complexes of

matrimony and *patrimony*.¹⁵ In order to achieve the goal of preserving landed patrimonies, drastic limitations must be set upon the potential reproductive careers of a household's future heirs. In most cases this limitation is effected by the postponement (or prevention) of the marriages of some of the siblings. One child (either male or female) usually marries at an early age and attains a favoured position both socially within the parental household and often economically as the recipient of a large portion of the natal patrimony. In other words, a process of selection by the parental generation separates a sole, favoured heir from the remaining siblings. These siblings are then informally 'cajoled' into less prestigious paths - either celibacy or late marriage. Indeed, many of these socially 'secondary' siblings never marry at all. The prime goal of preserving the patrimony intact thus drives a wedge between the siblings.

This system of selection creates a constant tension between, on the one hand, *matrimony* and the drive for reproduction, and on the other, *patrimony* and the objective of 'restricted' marriages. In this society it is quite clear that patrimony is the winner and matrimony the loser. Ideally, each landed household must attempt to achieve a balance between an optimum labour supply and a minimization of threats to divide its patrimony. There is one extreme (too many children and multiple marriages) and the other (no children and no marriages). The former will ultimately force partition, while the latter will menace the household with extinction. It is as if every occasion of matrimony in the society provides a future threat to a patrimony. But as long as a few favoured heirs are chosen to carry on each 'family line', then the remaining heirs are superfluous. In fact, the potential marriages of these remaining heirs can come to constitute outright threats to the natal patrimony, as each married sibling will hold a stronger future claim to an equal share of the patrimony. Unmarried siblings, however, do not pose threats to the patrimony as they do not normally produce (legitimate) offspring who will eventually demand provision. This is why the inheritance system is not one of primogeniture or unigeniture. Rather, it is a 'primonuptial' one - *the child who marries first* and remains in the natal household is usually the favoured one, and it is this child who is likely to obtain a central role in both household management and patrimony transmission. It is irrelevant which sibling this is: it may be the eldest, the youngest, or a middle sibling of either sex.

¹³ See Carmelo Lisón-Tolosana, *Belmonte de los Caballeros: A Sociological Study of a Spanish Town*, Oxford: Clarendon Press 1966, pp.170-201.

¹⁴ 'Death and the Survival of the Rural Household in a North-western Municipality', in this volume, p.83.

¹⁵ No suggestion of a feminine/masculine contrast is intended by the terms 'matrimony' and 'patrimony', nor of 'property in the female (or the male) line'. As we will see below, both the kinship and the inheritance systems of Fontelas are strictly bilateral and there is no detectable stress on male primogeniture. For convenience, my use of the term 'heir' henceforward in this paper will refer to *both* male heirs and female heiresses.

But the unmarried siblings do provide crucial sources of labour for their natal households and care for their parents as they age. Here we find the role of death once again prominent. As inheritance in Fontelas is only linked to death and not to marriage, the members of the younger generation must simply wait until their parents die in order to acquire their shares of the patrimony. Although this implies a whole series of undesirable conditions for most of the heirs, from another angle it ensures particularly well for the care of the aged parents. The inheritance system thus contains a 'built-in' form of old-age security. Because no transfer of property takes place at any of the marriages of the heirs, the division of the patrimony is as it were 'stored up' until a much later stage in the developmental cycle of the household. Parents in no way 'retire' in Fontelas following any of the marriages of their children, and there is no 'west room' such as that described by Arensberg and Kimball for Ireland¹⁶ into which the elderly couple physically move as they age. On the contrary, in Fontelas the elder generation 'hold the strings' of the patrimony (the farming house, land, and equipment) literally until their dying day. Indeed, as Goody maintains: 'Late transmission retains generational control; early transmission weakens it'.¹⁷

Here lies the reasoning behind the selection of a favoured heir. By choosing one son or daughter to manage the household as they age, the parents can begin to create the conditions under which this heir can maintain the patrimony *relatively* intact following the parents' deaths. This is why so many villagers marry late, never marry, or settle for celibacy or bastardy. There is only one point (the death of a parent) in the developmental cycle of the household and not two (the marriage of the favoured heir) at which property is redistributed. All of the aspects of matrimony are thus suppressed, limited, and strictly controlled in the name of preserving the natal patrimony. This opposition does not constitute merely an observer's prism - an analytical device - but rather an empirical reality lived by villagers themselves. The tension between matrimony and patrimony indeed pervades the entire society and we will see that its long-term effects are quite wide-ranging.

One clear illustration of this opposition is visible in some of the legal aspects of the strong descent tie between parents and children which I have alluded to earlier. Not only are the ties between parents and children very close socially, but they are also consecrated within the system of inheritance through the sequential order of heirs. Until the substantial legal changes in

¹⁶ Conrad Arensberg and Solon Kimball, *Family and Community in Ireland*, Cambridge, Massachusetts: Harvard University Press 1940.

¹⁷ *Family and Inheritance*, p.28.

the Portuguese Civil Code in 1977,¹⁸ the order of heirs to the patrimony of an individual dying intestate was as follows (*Código Civil*; art. 2133):

1. Descendants
2. Ascendants
3. Siblings and their descendants
4. Spouse
5. Other collaterals to the 6th degree
6. The State

Note that the surviving spouse figures only *fourth* in line following three other categories of legitimate heirs. The implications of this system are that the surviving spouse is left in a particularly weak position, his/her partner's property being transferred downwards rather than sideways. It is a person's descendants, ascendants and siblings-and-their-descendants who inherit *before* the surviving spouse. In other words, property tends to pass downwards along consanguineal kinship lines and not sideways through affinal or collateral ties formed by marriage. A surviving spouse is thus as it were 'left out on a limb'. Again, we find relations of affinity underplayed in the face of relations of descent.

Even the apparent joining of the property of each spouse at marriage is itself a predominantly 'downward' and descent-oriented procedure. This is why *two* separate partitions of property may theoretically be effected by a couple's children, each following the death of one of the parents. Upon the death of the first parent, one half of the couple's property is inherited immediately and directly by the descendants, while the surviving spouse inherits the other half. The second parent's half of the original patrimony is then divided after his/her death. Of course, the children (or other heirs) may and often do *delay* the partition of the first parent's patrimony until the death of the second parent.

However, if a couple produce no descendants and remain childless (both dying intestate), upon the first partner's death his/her property is not inherited by the surviving spouse. Rather, the person's property reverts to his/her 'family line' following the principle of *paterna paternis/materna maternis* (the father's property to the father's kin/the mother's property to the mother's kin).¹⁹ The bulk of the patrimony of the first spouse returns to

¹⁸ I refer here to the major alterations in the 1966 Civil Code introduced by the Decreto-Lei No. 496/77 of 25 November 1977. These alterations have considerably improved the formerly weak position of the surviving spouse in inheritance, although the extent to which these legal changes have affected actual inheritance practices *socially* within Fontelas will have to await future study.

¹⁹ See Le Roy Ladurie, *op.cit.*, p.58.

to his or her natal family.²⁰ In this sense, the interests of *neither* of the natal family groups of two childless spouses are ultimately affected by the marriage: each spouse's patrimony returns to its original line rather than being inherited by the surviving spouse. Although the example of childless couples is an exceptional one, the legal rules of property distribution are clarified by it. Descent lines everywhere predominate in Fontelas over weak marital ties. Precisely as described for the regions of western France, inheritance customs in Fontelas oblige villagers to 'attach only slight importance to the act of marriage which they seem to regard as an ephemeral union of two perishable creatures, each issued from a different line whose own value lies in its permanence.'²¹ Indeed, it is the preservation of patrimony that preoccupies villagers in Fontelas, and not the continuity or coherence of matrimony.²²

It is not my objective here to raise complicated questions concerning the interrelations between administrative law and customary law,²³ but rather merely to stress that the system of inheritance in Fontelas places great emphasis upon death and relations of descent and not upon marriage and relations of affinity. This is why 'matrimony' and 'patrimony' seem so forcefully opposed. I follow Jack Goody here in maintaining that different societies (and varying regions within one society) place

²⁰ See David Sabeau, 'Aspects of Kinship Behaviour and Property in Rural Western Europe before 1800', in Goody, *Family and Inheritance*, pp.96-111; at p.105.

²¹ Le Roy Ladurie, *op.cit.*, p.56.

²² Although this paper focuses primarily on *patrimony*, the entire topic of matrimony and 'restricted marriage' deserves equal attention. Some of the major features of this society's limitation of marriage include: the absence of dowries, the 'natolocal' residence of spouses with each of their sets of parents for many years after their marriage, and the absence of a highly structured courtship system. The mean age at first marriage for men in Fontelas from 1870 to 1978 has been 33.2 and for women 31.0 (Parish Register - marriage entries): these figures provide an excellent example of John Hajnal's classic 'European marriage pattern' (see his 'European Marriage Patterns in Perspective', in D.V. Glass and D.E.C. Eversley (eds.), *Population in History: Essays in Historical Demography*, London: Edward Arnold 1965, pp.101-143). Further, an 'alternative' tradition among the poor of consensual unions, illegitimacy, and non-marital sexuality invites further analysis.

²³ See Pierre Bourdieu's excellent essay (*op.cit.*, particularly pp.142-44) for some penetrating insights into the disjunction between abstract legal statutes, regional customary law, and the actual practices and strategies of individuals on the ground.

differing emphases upon key points in the developmental cycle when property passes from one generation to the next. Societies in which marriage constitutes a key moment of property transfer²⁴ will consequently have radically different features from those in which property is transferred only at death.

This key 'fulcral moment' of property transfer within the social system of Fontelas is clearly death, and our earlier examination of the process of 'dying' leads us directly to this point. This is why I have insisted upon a perspective which focuses not merely on the individual death as a ritual moment, but also upon the whole fabric of social and property relations within which each specific death is embedded. The preponderant role of death in conditioning property transfers is visible both before a death (in forms of gossip about the deceased's property) as well as after a death, through the weeks and months when the patrimony is redistributed. This is why *both* the related processes of dying and of inheriting must be analysed in their respective short-term and long-term dimensions.

But these short periods of time give us only a hint, an inviting clue, to the much longer processes involved in dying and inheriting in Fontelas. Let us turn now to a different dimension, a somewhat more diachronic one, in order to delve deeper into the question. Has matrimony been so strictly controlled in the past in Fontelas, and has the role of death in inheritance always been so strong? In answering this question, we will need to look at a second 'time dimension': that of the long-term effects of *post-mortem* inheritance. Here we will 'telescope' our perception of time even further beyond the short-term periods preceding and following a death. I will begin to focus upon the topic of the reproduction of social groups. In other words, what are the repercussions at a wider level of the transfer of property at death? What effects does this specific mode of inheritance have upon the overall shape of the social structure over time?

III. Inheritance and Social Structure

There are four major ways through which a *partilha* (partition) of property can be effected in Fontelas. Let us look briefly at these before dealing with the main theme of this section: the long-term effects of delayed inheritance. It is crucial that we grasp the specifics of inheritance partitions here before turning to these wider implications.

²⁴ See John Davis, *Land and Family in Pisticci*, London: Athlone Press 1973; and Peter Loizos, 'Changes in Property Transfer among Greek Cypriot Villagers', *Man* (n.s.), Vol.X (1975), pp.503-523.

Inheritance partitions in Fontelas follow one of these four procedures:

1. *De Boca* (orally)
2. *Sortes* (lottery)
3. *Escritura* (will or donation)
4. *Justiça* (court division)

An oral partition is by far the most frequent form of division of a patrimony. Upon the death of an individual (assuming for the moment that there are children) one half of the patrimony²⁵ is partitioned in equal shares among the person's direct descendants. The second half is then divided following the death of the surviving spouse. Although there is a tendency in Fontelas to delay the partition until both parents have died, even then the legal steps involved do not always coincide with actual practice. An oral partition may occur, but the heirs may continue to cultivate a landholding jointly or to reside within the same house. If the parents die intestate, each heir has rights to an equal share of land, movables, livestock, and a portion of the house. There is an *absolute equality* between male and female heirs both in local hamlet custom as well as in the Portuguese Civil Code, and as I have pointed out there is no informal preference within the inheritance system for either sons or daughters.

With respect to land, three main types of distribution occur:

- (a) plots may be partitioned into smaller plots, with boundary stones placed at the borders;
- (b) different heirs may each obtain separate plots of roughly equal values;
- (c) heirs remaining in agricultural activities may borrow, look after, rent, or purchase the plots of their non-resident co-heirs.

If we were to accept the popular view of smallholding regions being subject to ineluctible fragmentation, then type (a) would seem to us to be the logical practice. In fact, precisely the opposite occurs in the hamlet. Except in cases of very large plots of land, (b) and (c) are the most frequent choices, as these lead to a more practical distribution of farming land among those siblings remaining permanently in Fontelas. Obviously, an

²⁵ There are a number of couples in Fontelas who have married under the 'separate property' regime (*separação de bens*) rather than the more frequent 'joint property' regime (*comunhão de bens*). The former arrangement is followed principally in cases of remarriage in order to retain separate inheritance rights for a person's children by a former marriage, and it implies a different series of legal options concerning the disposal of property by spouses from those available to spouses married under the 'joint property' regime.

extreme adherence to (a) through continual subdivisions of shrinking plots would lead eventually to utterly miniscule sub-plots. Thus (b) and (c) are resorted to in order to circumvent this.

Oral partition is termed by villagers *de boca* simply because that is precisely how it is done - 'by word of mouth'. Nothing is written down anywhere, and each heir inherits his or her share.²⁶ Alternatively, in other cases all of the plots of a group of heirs may be listed at the time of inheritance in each of their names. The *partilha* is still nevertheless termed an oral one because formal recourse to assessors or lawyers is not resorted to. This is why the term *amigável* (friendly) is used to refer to this form of division: all of the heirs divide the patrimony *amigavelmente*, or 'in a friendly way'. Each heir registers his/her plots (or new portions of plots) and all remain on good terms. Following the 8 deaths occurring during my fieldwork, 6 oral partitions were effected. *De boca* division is the ideal form of a *partilha* in Fontelas and indeed the most common.

A second form of partition is that involving a 'lottery' between the heirs. This form of inheritance is similar to oral partition except that a mediator, or witness, is called in from outside the household(s) in question in order to assure an equitable division. The word *sorte* (share/lot) refers, first, to the small slips of paper on which the locations of a series of plots of land are written: these slips of paper are placed in a hat and drawn randomly by the heirs. The second meaning of *sorte* refers specifically to plots or sub-plots themselves from this point on. Any plot in the hamlet can thus be termed 'my *sorte*' or 'my brother's *sorte*'. The lottery system implies some degree of caution, otherwise no outside witness would be called in and the heirs could effect the partition orally. This system also implies a certain amount of equally distributed 'luck' in the drawing. The witness is usually a villager of high social standing with a good knowledge of the hamlet's terrain. Along with the heirs, the witness draws up a list of all the deceased's land.²⁷ It is at this point, shortly prior to the drawing, that

²⁶ This is why the town Tax Bureau has such difficulty in keeping track of who owns what in each of the 95 hamlets within its jurisdiction. Plots frequently remain registered under the name of a villager's parent or grandparent. This may temporarily avoid both a minimal inheritance tax as well as a yearly land tax, but it may lead to problems in cases of sale or disputed ownership rights. Such disputes force an heir to obtain a proper legal title to the plot(s) in question.

²⁷ This lottery form of partition was described to me by a number of villagers, although I did not observe it in practice. I am not sure therefore whether movables are also written on the paper slips; they may have been distributed orally.

the value of the plots must be decided and that disagreements are most likely to occur. A landholding consisting of 20 plots to be divided among 4 heirs may, theoretically, be partitioned into 4 portions of 5 plots each. But subdivisions may also be made, or alternatively, for example, three less fertile grain plots may be put on one slip of paper and one very fertile meadow on another. Each heir thus draws a slip of paper with a series of listed plots whose total value is roughly equal.

The essential point about the lottery is that it is a variant of the 'friendly' oral partition. Although not as straightforward as an oral partition, divisions by lot do not go as far as the courts. This is why the lottery is relatively rare: either the heirs basically agree and opt for an entirely oral partition, or they disagree to such an extent that one (or more) of them demands recourse to legal bodies. A partition by *sortes* is thus a form of compromise between an entirely 'friendly' agreement among co-heirs and disagreements strong enough to commence legal action.

A third type of inheritance involves the making of a will (*testamento*) or a donation (*doação*). Both of these forms of property transfer are termed inheritance 'by writing' (*de escritura*) and both are considered by villagers to be processes quite distinct from purely oral or lottery divisions. A will or a donation both inject a written document into the process of property transfer. According to Portuguese law, a person may only freely dispose of 1/3 of his or her property through a will (this percentage is 1/2 if there is only one child).²⁸ This portion is termed the 'third' or *terço* in Fontelas. In legal terms this constitutes the testator's 'free quota' or *quota disponível*. The remaining 2/3 constitutes the legitimate inheritance (*legítima*) of the testator's heirs, and cannot be included in a will (Civil Code; art. 2158). If the heirs feel that their *legítima* has been mistakenly or wrongfully encroached on by a will, they may dispute this in court and recover the portions of their patrimony incorrectly included in the will.²⁹ However, even in cases of legally correct wills, there is a strong feeling in Fontelas that wills subvert the law of equal partition between all siblings. This contrast between the generalized 'ideology' of equal partition and the simultaneous wariness about wills constitutes a fundamental contradiction within this society, and I will return to it below.

²⁸ Again, I am describing the functioning of inheritance here prior to the 1977 alterations in the Civil Code (see Note 18 above).

²⁹ The legal procedures glossed over here are obviously more complex than I have made out. Furthermore, knowledge of the legal rules of inheritance is of course only of limited use in following the actual practices and specific 'moves' of individuals on the ground, as Bourdieu's brilliant analysis (*op.cit.*) of marriage and inheritance strategies in a southern French village has shown.

In a will, a testator may bequeath any or all of his/her free quota to anyone - these may be one or more of the legal heirs, a spouse (more rarely), or an unrelated person. A donation (*doação*) is another matter entirely. This is a *pre-mortem* transfer of property and as such the closest thing to a dowry existent in Fontelas. A donation is really a kind of pseudo-will, or an advance on inheritance, as the portion of property disposed of through a donation already dips into the testator's free quota of 1/3 of the patrimony. The donation thus leaves less property to dispose of through a later will. It is virtually the only means available in this society (apart from sales and purchases) to transfer property *inter vivos* and avoid the strict rule of *post-mortem* inheritance.

According to villagers today, donations are not a frequent form of property transfer, although when they do take place they always involve (like wills) a certain degree of public gossip and suspicion. Villagers were very reluctant to discuss donations involving themselves, although they are constantly speculating about the contents of those of others. Such phrases as *deixou-lhe aquela leira* ('he left him that field') or *a tia fez-lhe doação da casa* ('her aunt donated the house to her') are endlessly on people's lips. This gossip about donations abounds at any time in Fontelas, unlike the gossip described earlier which arises immediately prior to a villager's death. This is due, of course, to the timing of *pre-mortem* donations: donations may take place at any point in an individual's life-cycle. A donation is thus quite an 'odd' form of property transfer in Fontelas as it is not strictly tied to death (although the amount of property included in the donation reappears later in the inheritance redistribution). Particular attention is given in Fontelas to both donations and wills because these lend an aura of suspicion and hidden calculation to the *partilha*. Who has obtained what, and through which means? Did a specific person really deserve to inherit through a will? Or did he/she fiddle the documents or 'play up' to the owner purely for personal interest? Nor are parents the only objects of a 'greedy' heir's intentions: an unmarried aunt or uncle is always a potential target. Hidden plans and schemes may lurk beneath the 'honest' exteriors of caring children, as expressed in the phrase:

*O cordeirinho manso,
Mama a sua mãe e alheia.*

The meek little lamb,
Sucks from its mother and
others too.

The inclusion of a will at the time of a *partilha* does occasionally occur in Fontelas, although my impression is that it is an exception among households with descendants and more common in cases of elderly, unmarried individuals. In none of the 8 cases of individuals who died during my fieldwork was a written will drawn up, and none of the heirs involved in the 8 deaths had received a donation. Following my fieldwork, in 1981 one widowed woman (with children) left a will and another unmarried woman (childless) died later in the year also leaving a will. In

general, villagers in Fontelas view the making of a will with great suspicion. This is due not only to a general aversion to institutionalized 'favouritism' but also to a deeply rooted fear of the legal manipulations of selfish heirs and bribed notaries. Conflicts are most likely to arise in cases of wills and not in cases of oral or lottery partitions, although this is not to say that in the latter there is necessarily an absence of disputes. Of course, a will need not be disputed, and the heirs of the remaining 2/3 of the patrimony may divide that 2/3 orally and amicably between themselves. Nevertheless, a suspect will, in writing and legally binding, is more likely to explode latent disagreements and resentments and to shift the whole affair to the town court.

The fourth kind of inheritance procedure in Fontelas involves extreme cases of disputes which force a legal partition in court. Villagers term this process simply one of inheritance 'by law' or 'through justice' (*por justiça*). I observed a number of cases of disputed inheritance in the town court involving individuals from other hamlets in the municipality. When this occurs, the heirs as well as their witnesses may completely sever all social relations. The partition itself may require *in situ* valuations of the plots in question by land assessors, the lawyers involved, and the judge. As legal costs are high, recourse to lawyers and the court is an expensive affair and in villagers' eyes must involve enough property to merit the various expenses incurred. Indeed, actual legal recourse to lawyers and courts is far less common than indirect gossip or verbal threats. There is even a bit of suspicion of the lawyers themselves, whom some villagers view as liars and smooth talkers who manipulate the law for their own and their clients' interests. Nevertheless, in cases of a deadlock in inheritance the court provides a last resort. Although expensive, a legal division (often lasting for years) usually succeeds in resolving the original dispute.³⁰

These then are the four principal means of transferring property between the generations in Fontelas. Of particular interest for our argument is the fact that none of the procedures enumerated here involves the transmission of property or the partial division of a patrimony *at the moment of marriage*. The only form of *pre-mortem* transfer is through donation, yet even this relatively rare procedure does not necessarily involve marriage. Anyone (married or not) may be the recipient of a donation and there is no social custom or habit of giving donations at the time of a villager's marriage. Virtually all of the forms a partition can take (oral, lottery, will, and court division)

³⁰ Another form of partition involving the town court (although of less relevance to this paper) arises in cases of minor children whose parents die before their having reached majority. In these cases, a mandatory legal partition is effected in court called an *inventário de menores* (probate inventory).

only occur after an individual's death at a point in the developmental cycle of the deceased's household which is entirely unrelated to the timing of the marriages of any of the heirs. Even in the case of wills, although a will may be written many years prior to a villager's death, it cannot be brought into effect legally until the testator has died. The total absence of any form of dowry provisions, as well as the general cultural orientation towards 'restricted marriage', point unmistakably to a mode of inheritance strictly linked to death.

These then are the short-term elements of the process of inheriting in Fontelas; what are its long-term effects? In other words, what features of Fontelas' social structure can be said to be shaped significantly by this specific mode of property transfer? If we maintain that the particular timing of property transfer at death (and not at marriage) is a prime 'structural law' underlying the social system, then a number of concomitant features must be visible as predictable results. This is indeed the case. Let us now turn to our concluding point about dying and inheriting: the long-term reproduction of social-structural features in Fontelas linked to delayed inheritance at death.

Two major features of this form of delayed inheritance are (a) the separation between favoured and secondary heirs, and (b) extremely high ratios of illegitimacy. An analysis of both of these key features clarifies the pivotal role of death in the process of property transmission. Let us conclude by touching briefly on these two points.

Despite the legal rule of equal partition between all siblings described above, we would be very naive indeed if we actually believed that land and other forms of property are actually 'equally' divided. There is in Fontelas a sharp contradiction between this ideal of legal partibility and the real, practical inequality between favoured heirs and their tacitly excluded siblings. This is not to say that equal partitions never occur, but rather that some form of *social* differentiation occurs at an early stage in the developmental cycle of the household. This is an important point because it reveals a *dual* structure within the internal composition of the rural community.³¹ This dual structure separates (a) those in favoured positions with access both to land and to social positions of household management, from (b) those disadvantaged villagers dependent either on the wealthy landed households or on their own favoured siblings.³² All heirs do not normally

³¹ See Brian Juan O'Neill, 'Proprietários, Jornalheiros e Criados Numa Aldeia Transmontana desde 1886', *Estudos Contemporâneos* [Porto], No. 2/3 (1981), pp.31-73; at pp.62-64.

³² A similar dual structure is visible at the hamlet level between (roughly speaking) the land-rich and the land-poor, and even in the spatial distribution of houses within the hamlet sub-sections. Smaller and poorer households tend to be located on the outskirts, while larger wealthy ones are concentrated in the centre.

stay in Fontelas in agriculture: some emigrate, some marry out, and others remain celibate. But indirectly, one of these heirs manages to consolidate much of the patrimony in the interests of avoiding both excessive partitions of land as well as the dispersal of 'labouring arms'. For instance, each co-heir theoretically inherits a share in the natal house, but such division of the physical structure of a house among six siblings would obviously be impractical.³³

In most cases one heir remains in a central role within the family line and it is this heir who is informally chosen to manage the household and the landholding over time. This may be either a son or a daughter, or indeed even an adopted servant. Just how this favoured heir is chosen by the parents is an extremely subtle process, and we must bear in mind that there is not always a favoured heir in any given household. Furthermore, this selection process does not apply equally among the poor, where resources are generally scarcer. In landed households, one parent (or both) may will a portion of property to this favoured heir, although this may create friction or overt conflicts among the other co-heirs. But the practical needs of the household necessitate the elimination of competing claims to the house and the landholding from the other co-heirs (patrimony limiting matrimony). The marriages of these co-heirs will clearly add to the force of their claims. But the delay or prevention of their marriages, either by the parents or later by the favoured heir, will tend to diminish their claims and to relegate them to secondary, celibate positions within the household.

It is almost as if the house (or the household) takes on a kind of life of its own, regardless of the specific individuals who occupy positions within it. However, in Fontelas there are no institutionalized means through which the parents or the favoured heir can force other co-heirs to leave the hamlet entirely or relinquish their shares. I have found no contemporary evidence of male primogeniture, and today there are no compensation payments given to co-heirs in order to push them off the landholding. The most a parent can do legally is to favour one of the heirs with 1/3 (the *terço*) of his or her patrimony and a stronger social claim to retain management of the house. So, although excessive partition is generally avoided, some portion of most landholdings is bound to be split eventually.

The major strategy of the favoured heir is thus to postpone the partition, or if this is unavoidable, to buy out the

³³ Of the total of about 80 inhabitable *houses* in the hamlet (including a few emigrants' houses, but many more older and currently empty ones) only 2 have been partitioned down the middle in recent decades.

shares³⁴ of the other co-heirs in order to consolidate the total holding. As marriage in Fontelas is generally late, by the time a partition takes place many co-heirs are already well into their 30s or 40s and long established somewhere or other. The varying life circumstances of each of these co-heirs at the time of the partition is crucial. Who has remained in Fontelas? Who has left the hamlet? Who will press for partition and who is likely to claim a share of the patrimony for immediate use? While all co-heirs are in this sense legally equal, socially their positions as claimants to the patrimony at the moment of partition may be distinctly unequal. If we were to emphasise merely the *legal equality* between heirs, the entire complex of *practical inequality* between favoured heirs and secondary co-heirs would be missed. As one woman put it so aptly, the ultimate result of a partition is not always equal: *Uns ficam com as vinhas, e outros com as pipas*. ('Some get the vineyards, and others the wine-barrels.')

One further element of crucial significance here is the link between death and the old-age security of elderly parents. As Goody has noted:

The link between stratification and the economy is by means of the system of inheritance, which organises the transmission of property from generation to generation, at death, at marriage or at some other point in the developmental cycle.³⁵

Post-mortem transmission implies not only a delay in the acquisition of property by the young, but also a prolongation of the retention of property rights by the old. The fact that a formal

³⁴ Sales and purchases of land in Fontelas do not seem to have been a frequent occurrence, although recent emigration may erroneously predispose us to assume that sales have always occurred regularly in the past. Far more common is the avoidance of *de jure* partition simply by maintaining a natal landholding and household intact through *de facto* joint administration of the legally partitioned shares. This does not involve sales of shares but rather pooling, lending, or simply the non-assumption of legal property rights by unmarried siblings.

³⁵ Jack Goody, *Production and Reproduction*, Cambridge: Cambridge University Press 1976, p.65.

transmission of an intact patrimony³⁶ does not occur at marriage in Fontelas implies that the parental generation does not in any sense lose control of the holding. Nor do they enter any form of 'retirement' from farming, unless utterly senile. In this sense, there is no legal (or indeed social) transfer of household authority in Fontelas even at the marriage of a favoured heir - this household authority is retained firmly by the parental generation.³⁷

This is why the system of inheritance in Fontelas, although partible, actually looks like an impartible one. The structure of inheritance thus demands that one or more of the parents' children (or other kin) look after them with special care as they age. Favoured heirs in particular will also provide for the

³⁶ A number of features of inheritance customs in Fontelas are comparable with other European communities where formal unigeniture is practised. There are important differences, however, particularly in the absence of any property transfer at marriage in Fontelas: this transfer at marriage does occur in the Irish, Spanish, and Italian Alpine communities described by Arensberg and Kimball (*op.cit.*), Douglass (*op.cit.*), Carmelo Lisón-Tolosana (*Antropologia Cultural de Galicia*, Madrid: Siglo XXI de España Editores 1971), Raul Iturra ('Strategies in the Domestic Organization of Production in Rural Galicia (N.W. Spain)', *Cambridge Anthropology*, Vol. VI (1980), pp.88-129) and Eric Wolf and John Cole (*The Hidden Frontier: Ecology and Ethnicity in an Alpine Valley*, New York: Academic Press 1974). Whether such a formal system of unigeniture or strict single-heir inheritance has existed in Fontelas prior to the mid-nineteenth century is a historical question beyond the scope of this paper.

³⁷ Indeed, even in the Minho region of North-west Portugal marriage involves quite a different set of elements (see Brandão, *op.cit.*). Brandão notes that in the Minho '... in general, marriage consummated the change in the positions of the two couples in the household, when the newly-weds acquired the leading position' (Brandão, *ibid.*, note 17). In Fontelas, even cases of uxorilocal and virilocal residence do not imply such a change of position for the younger couple. Natolocal residence even further highlights the near-obliteration of the newlyweds' claims to status and the supreme authority of the parental generation. The crucial point of contrast here between the region studied by Brandão and this one, I think, lies in the difference in the *timing* of key property transfers (see also Robert Rowland and Fatima Brandão, 'História da Propriedade e Comunidade Rural: Questões de Método', *Análise Social*, Vol. XVI (1980), pp.173-207). In the Minho region, major transfers of property accompany *marriage* while in this area of Trás-os-Montes such transfers occur only following the *deaths* of the parents.

parents' funeral expenses, look after their graves on All Souls' Day, and have at least the prescribed series of masses said for the parents following their deaths. The parental generation thus retains near-complete control of both land and labour while they remain alive. The selection of a favoured heir further ensures this old-age security. Indeed, one elderly villager quoted the appropriate saying:

Quem é teu herdeiro?
Quem te limpa o traseiro.

Who is your heir?
The one who cleans your behind.

Again, the close link between death and the delayed transmission of property is evident. The special care given by the favoured heir to the ageing parents is institutionally cemented within the structural law of inheritance at death.

But one of the most flagrant results of this form of delayed inheritance is the presence of consistently high proportions of illegitimacy in Fontelas over time. A detailed count of all baptisms recorded in the Parish Register³⁸ for Fontelas since 1870 yields the following information. The overall illegitimacy ratios in Fontelas range in the late nineteenth century from over 1/3 to almost 1/2 of all baptisms. The mean illegitimacy ratio (bastards baptised as a percentage of all children baptised) over the century has been 47.4 per cent: 326 in a total of 688 baptisms. In other words, throughout the last century (1870-1978) virtually one half of all children baptised in Fontelas have been bastards.³⁹

In the decade from 1910 to 1919, bastard children accounted for 73.6 per cent of all children baptised. Three out of four children baptised during that decade were illegitimate (there were 19 baptisms of legitimate children but 53 of bastards). From 1920 to 1929 this percentage was 67.9 per cent. Finally, even in the decade from 1950 to 1959, the ratio was 47.5 per

³⁸ There is no doubt that these figures in and of themselves, are quite reliable, as each baptismal entry in the Parish Register records the marital status of the mother of a bastard child as 'single' (*solteira*) as well as the standard phrase 'unknown father' (*pai incógnito*).

³⁹ The overall illegitimacy ratios in the parish as a whole (around 700 inhabitants) for the last three decades of the nineteenth century yield similar figures: 29.2 per cent for 1870-79, 35.2 per cent for the 1880s, and 40.8 per cent for 1890-99. During the first three decades of the twentieth century, the parish ratios were respectively 44.1 per cent, 46.0 per cent, and 42.3 per cent.

cent.⁴⁰ Only later in the 1960s and 1970s did illegitimacy suffer a marked decline, with respective ratios of 23.4 per cent and 7.4 per cent. Recent emigration has undoubtedly contributed to this decline in the last two decades, but this emigration in itself does not explain why the ratios have been so consistently high in the past.

Analysis of the occupations of the mothers of bastard children reveals that unmarried women in the social group of *jornaleiros* (day-labourers) have accounted for the majority of bastard births. Almost as consistent has been the tendency among women from the social groups of *lavradores* (ploughers) and *proprietários* (large landowners) to bear legitimate children within legal marriage. Since 1870, 172 bastard children and 87 legitimate ones have been born to *jornaleira* mothers, while in contrast only 10 bastard children yet 102 legitimate ones have been born to *lavradora* mothers. The basic pattern of the illegitimacy figures thus points overwhelmingly to bastard births among the poor, and legitimate ones among the landed. The exclusion of these unmarried mothers from both matrimony and patrimony has been quite evident as far back as local records go. Villagers themselves produce apparently contradictory explanations for illegitimacy. The wealthy and the poor view the problem from opposite ends, and both sides systematically blame the other. The poor, especially many single mothers themselves, blame wealthy men for 'exploiting us as servants or day-labourers' and burdening them with bastard children. Yet the wealthy blame the poor simply for being poor - 'how can they help themselves, those poor souls?' Those on the bottom of the social hierarchy seek economic and political causes, while those on the top find moral ones.

My point here is that neither side is correct, but that the entire problem is shaped from the start by a specific mode of

⁴⁰ A far broader survey of the literature on illegitimacy in various disciplines is needed here, considering the near-total absence of analyses of the topic in the major anthropological monographs of European communities. Although I have not yet carried out systematic comparisons of illegitimacy in other rural areas of Portugal and Europe, some suggestive figures are available from the Austrian mountains: Michael Mitterauer ('Marriage Without Co-residence: A Special Type of Historic Family Forms in Rural Carinthia', *Journal of Family History*, Vol. VI (1981), pp.177-181) has reported a 68.1 per cent illegitimacy ratio for 1870-74 in an Eastern Alpine region of Austria. Further research on rural illegitimacy in Portugal is being carried out in the Historical Sociology Unit of the Instituto Gulbenkian de Ciência (Oeiras, Portugal). My brief analysis of illegitimacy here clearly places far greater emphasis on factors involving property and household structure than on religious morality or the even less applicable topic (in this case) of 'honour and shame'.

inheritance. Not all fathers of bastard children are wealthy, nor are all of the relations leading to illegitimate children necessarily exploitative. Many fathers were simply co-heirs left outside (or 'pushed' outside) the main lines of property transmission in their natal households. Yet for poorer women, children are always an asset as their labour is highly valued. Better a bastard child than none at all. We see then that even among the poor, 'descent' and sibling ties are strong while ties of marriage and affinity are comparatively weak. As Le Roy Ladurie has noted for the west of France,⁴¹ the inheritance customs of this region of Portugal 'smile on children, but not on love'.

The ratios of illegitimacy over the decades provide ample evidence of a persistent pattern of the social reproduction⁴² of a 'bastard group' over time. The maintenance of a group of day-labouring women (the *jornaleiras*) and their illegitimate children has provided a source of temporary hired labour for wealthy landed households. Many servants in the hamlet's wealthy households have come from this poorer group. But the key point is that the wealthy and the landed have managed to retain this source of wage labour *without* posing threats to the bulk of the hamlet's patrimonies. Note that unless their paternity is legally recognized (a rare occurrence), illegitimate children inherit property only from their mothers. (The inheritance rights of illegitimate children have also undergone legal changes since the 1977 alterations in the Civil Code; see note 18 above.) But the illegitimacy ratios of Fontelas are suggestive: bastard births are so common that the society's general level of tolerance for illegitimacy must be quite high. Even today in Fontelas, over 1/3 of the hamlet's adult women over 21 have borne at least one bastard child at some point in their lives. Bastard children and single mothers, although low in social status, are accepted as social individuals and non-marital unions are openly tolerated.

This does not mean that some stigma is not also present. Bastards are called *zorros* or *zorras* (the term suggests both 'fox' and 'rascal') while verses such as that quoted below indicate the 'inheritance' of the low status of poor single mothers:

*Da ovelha ruim,
Não sai cordeiro bom.*

From a bad ewe,
A good lamb does not come.

⁴¹ Le Roy Ladurie, *op.cit.*, p.58.

⁴² The term 'social reproduction' (like 'strategy') is borrowed here directly from Pierre Bourdieu (*op.cit.*), although comparable uses of the term can also be found in Lisón-Tolosana (*Belmonte*) and Peter Laslett (*Family Life and Illicit Love in Earlier Generations*, Cambridge: Cambridge University Press 1977).

Irregular sex is thus in the long run a mechanism, or a somewhat indirect path, for the satisfaction of sexuality and the reproduction of labour outside the central spheres of marriage and property. A large part of the hamlet population must remain marginal to the delicate balance between prestigious matrimony and undivided patrimony. Few are those who obtain *both* prestigious marriage and a large share of the patrimony, but many are those who obtain neither. The latter are however allowed a considerable amount of choice of sexual partners, much as Georges Duby has noted for medieval France: 'Under this ethic, marriage, I repeat, regulated the sexual impulses, but only in the interest of a patrimony. As long as no inheritance was involved, sexual activity was permitted outside marriage'.⁴³ Viewed in this way, the 'problem' in Fontelas is thus not illegitimacy but marriage itself.

The link between illegitimacy and inheritance is now clear. I submit that the main reason for these illegitimacy ratios lies in the mode of property transfer I have been describing. As long as a high rate of *illegitimate* fertility exists, a large part of the population is strictly prevented from both marrying and inheriting. They have no easy road to either matrimony or patrimony. This does not mean that illegitimate children do not later marry or inherit at all, but merely that their chances are slim from the start. The needs of the peasant household are so delicately balanced between labour and land in this isolated mountain region, that the inheritance claims of some villagers must be obliterated. These villagers may *produce* within their natal households, but they must not *reproduce* within them. This is why the fundamental concern of maintaining patrimonies 'intact' is not merely one of population control: the lower group of the *jornaleiras* and their bastard children may continually expand in numbers without threatening the basis of the inheritance of patrimony. In other words, the prize of prestigious matrimony is reserved for only a few, and the rest must either emigrate, marry out, or settle for celibacy or bastardy.

The extreme delay in inheriting property thus shapes the structure of this society's peculiar features. The only way in which the society's fundamental contradiction between the legal equality of heirs and the practical inequality between favoured heirs and secondary co-heirs is ever resolved is through the illicit links between these co-heirs and unmarried mothers. A 'bastard class' is the final result, and it is these unmarried male co-heirs who are in fact the 'unknown fathers' of bastard children.

In consequence, there must be an actual approval (however indirect) of illegitimacy and non-marital sexuality for the purpose of keeping patrimonies together. Only a few favoured

⁴³ Georges Duby, *Medieval Marriage: Two Models from Twelfth-Century France*, Baltimore: Johns Hopkins University Press 1978, p.7.

heirs - primarily among the wealthy landed groups - ever connect marriage, property, and 'respectable' sexuality. But for the rest, these three are disconnected. If an acceptable level of non-marital sex can exist (although the *jornaleiras* have borne most of the burden) then a substantial number of people can be kept out of the competition for patrimony. But the general limitation of marriage in the society still allows for a few favoured and prestigious marriages. It is in this sense that the two sides of the coin support each other: prestigious marriage could not remain prestigious without the reproduction of a group of people systematically locked out of both matrimony and patrimony. The chosen few hold onto land, while the many excluded lose their grip. Much like the myriad branches of a tree, many more villagers fall 'outwards' from their natal landholdings (and downwards in the social hierarchy) than those who retain control of the central 'trunk' of the patrimony.⁴⁴

I do not wish to be misunderstood in this paper, and to be misjudged for placing undue emphasis on an abstract system of inheritance. Clearly, anthropologists study living people just as much as they analyse the structure of societies. Obviously, villagers in Fontelas live within a system of customary law and strategize their moves in myriad ways. I do not mean to imply that these villagers are passive victims of the 'mindless application of inheritance laws'.⁴⁵ As Pierre Bourdieu would maintain,⁴⁶ villagers' strategies are conditioned by a whole structure of property relations accumulated over the generations.

⁴⁴ Georges Duby's fascinating essay on medieval marriage in France suggests that the limitation of marriage in the interest of an undivided patrimony may have been a very old European pattern. For twelfth-century northern France, Duby writes that '...the concerted effort of families to deprive most of their sons of legitimate procreation was bound to weaken the dynasty. And yet our text shows just as clearly that this policy attained its main objective, for it did preserve the wealth of the house. In the course of these two centuries covered by Lambert's account, none of the main trunks of these lineages permitted the sprouting of sidebranches, that is, the division of inheritances. At every generation, one male only took over the entire patrimony. This was made possible by the elimination of his brothers, who were shunted toward the clergy or a monastery, toward adventures in the Holy Land or in England, or toward the deadly hazards of military apprenticeship and practice' (Duby, *op.cit.*, p.102).

⁴⁵ Davis, *op.cit.*, p.111.

⁴⁶ *Op.cit.*; see also his *Outline of a Theory of Practice*, Cambridge: Cambridge University Press 1977.

In this sense, each individual (or each specific death) is merely one among a long chain of successive links, and this is why I have stressed the long-term *processes* of dying and inheriting.

There is an interconnection over time in any society between kinship relations and property relations,⁴⁷ although the precise features of this interconnection obviously vary from society to society, from region to region. The goal in mountain regions of Europe seems to be the same nevertheless: the preservation of viable landed patrimonies through the avoidance of partition. As Bourdieu quotes the clever phrase of Marx: 'The beneficiary of the entail, the eldest son, belongs to the land. The land inherits him'.⁴⁸ This society achieves this goal through blocking one of the possible moments of property transfer (marriage) by delaying this transfer until death.

What I wish to stress here is that Fontelas provides a particularly clear test-case for Goody's recent statements about family and inheritance in rural Europe. These are the extreme results of a system of delayed inheritance: late marriage, celibacy, complex households, natal local residence, stress on descent over affinity, and illegitimacy. Also present in Fontelas are other related features of this characteristically 'European' family organization, also described by Goody in *Production and Reproduction* (Cambridge 1976): spinsters, bachelors, 'informal marriage' and the occasional concubine, abandoned children, step-parents and step-children, half-siblings, and some female servants suggestive of the Cinderella tale. I have shown that some of these features are closely linked to a specific form of property transmission. These features are clearly shaped by a certain structural logic - this logic in itself depends to a great extent on the transmission of property at death. An understanding of the *timing* of key property transfers in Fontelas is crucial to our analysis of the rest of the society. These two processes of dying and inheriting (stretched out to incorporate the long-term periods preceding and following a death) invite further study. This region of Portugal provides some extremely unusual characteristics which suggest comparison with other regions of mountain Europe. Further research along these lines, linking varying forms of

⁴⁷ On this point, once again Goody makes the key link: 'The manner of splitting property is a manner of splitting people; it creates (or in some cases reflects) a particular constellation of ties and cleavages between husband and wife, parents and children, sibling and sibling, as well as between wider kin' (Goody, *Family and Inheritance*, p.3). Fontelas provides an excellent example of this comment on the relation between kinship ties and property relations - in Fontelas it is the manner of 'splitting property' that clearly conditions strong parent/child ties and contrastingly weak husband/wife ties.

⁴⁸ 'Marriage Strategies', p.117.

kinship relations with property relations, will prove particularly stimulating for future interdisciplinary work in anthropology and social history.

Underlying the peculiar characteristics I have described for Fontelas, and providing them with their basic structural shape, is the fact of partible inheritance at death. The transmission of all major patrimony in Fontelas is tied to this one event. This then is the underlying structural law which conditions the basic contours of this rural community. The *ritual* aspects of dying and the *legal* elements of inheriting may only lead us to a partial, skewed view of a long historical process. By isolating these discrete events, we may lose sight of the time dimension through which patrimony is passed from one generation to the next. In Fontelas this is only achieved through dying and inheriting, and it is these two closely linked processes which hold the key to the entire social structure.

M.F. BRANDÃO

DEATH AND THE SURVIVAL OF THE RURAL HOUSEHOLD IN A NORTHWESTERN MUNICIPALITY

I INTRODUCTION

Around the middle of the nineteenth century, the municipality of Vieira do Minho had a population of 13,889 inhabitants living in 3,107 households, unevenly distributed among 20 parishes (between a minimum of 160 inhabitants in 32 households and a maximum of 2,375 inhabitants in 505 households)¹ scattered around the *Serra da Cabreira*.

The villagers made their living by closely combining the activities of cattle-raising, agriculture and home-industry, balancing the cultivation of fields (*campos, leiras, cortinhas*), vegetable gardens (*hortas*), orchards and meadows (*lameiros*) in the plains and terraces, with the use of common lands in the hills. They grew maize, rye and beans in plots bordered with vines and olive trees. Chestnuts and honey had an important role to play in the domestic economy, as well as flax which was spun and woven locally by women. Oxen and cows were one of the main assets of the household and could be raised either inside the domestic unit, providing indispensable traction-power, or outside it, when the available land was not enough to support them; sheep and goats appeared to be rather common throughout the municipality;² pigs

¹ According to the census taken on 1st of January, 1864.

² As late as 1923, the priest, Alves Vieira, in his monograph (*Vieira do Minho Notícia Histórica e Descritiva*, Edição do Hospital 'João da Torre': Vieira 1923) referred to the existence of collective herds of sheep and goats (called *vezeiras*) in three parishes: Vilar Chão, Ruivães and Rossas (*op.cit.*, pp.82-84).

were fattened in pig-sties close to the house. Common lands provided fuel, manure and also the main pastures.³ The water from a dense network of small rivers coming down the mountain was carefully controlled by means of irrigation schemes that allotted the right to use it, during certain days, on several plots of land.⁴

At the centre of the economic and social life was a unit of production which included the house where the members of the household lived, with the pig-sty and the stable next door, the vegetable garden and the orchard nearby; the cultivated fields and the meadows, either close or far away from the house; the plots with chestnut trees (*soutos*) and oak trees (*devesas*), usually far from the house; the common lands in the surrounding hills. This unit was sometimes designated by the word *casal*, when the land was entirely held under perpetual or long-term leases (three-lives lease), or by the words *quinta* or *casa*, both of them implying an owner wealthier than most of his fellow-villagers and commanding a greater amount of land. The word *quinta* denotes a higher economic and social status; in all cases a proper noun was added for identification purposes, almost always the name of the place where the house stood (for example, *casa da Coqueira*, that is the *casa* situated in the hamlet of *Coqueira*).

Being a rural municipality, Vieira do Minho had nevertheless a social structure far from simple. For nearly all the people agriculture offered the only possible way of life. However, there was a wide gap between the absentee landlords and their tenants; between the landowners (*proprietários*) and the landless labourers (*jornaleiros*); between the officers at the local administration (judges, notaries, councillors and the vast majority of powerless, illiterate peasants); between professionals like the surgeon or the pharmacist and the carpenters, tailors, blacksmiths, barbers, shoemakers and masons; between the merchants (*negociantes, mercadores*) and the local grocers (*vendeiros, merceeiros*).

Each household was based upon a kind of subsistence economy, but the eventual surplus of wine, flax, grains, wood and cattle found their way into the local or regional markets. In fact, this

³ However by the late nineteenth century, many of the common lands had already been privatized by means of perpetual leases granted by the municipal council; most of the remaining were submitted to a forestry regime by a law passed in the early 1920s (see, Vieira, *op.cit.*, p.153). For a preliminary analysis of these leases, see M. de Fátima Brandão and Robert Rowland 'História da Propriedade e da Comunidade. Rural: Questões de Método', *Análise Social*, Vol. 15 (1979), pp. 173-207.

⁴ In northern Portugal these water-rights, as true property-rights, are still a source of conflict and dispute among villagers, which frequently end in the courts.

society was a highly 'monetised' one: debts were a recurrent feature of village life and money was always in great demand to meet the courtroom costs to buy cattle, to pay taxes, to compensate other siblings, to provide for dowries, to satisfy pious legacies or to pay medical services.

Although the municipality of Vieira was situated in a remote mountainous area, it is impossible to think of it as an enclosed world, owing to the lack of good roads and efficient means of transport. There was the parish church with its priests ordained outside that imposed both moral and religious control over the parishioners (regularly checked up by the visiting priests coming from Braga, the seat of the archdiocese) and frequent journeys to Braga were necessary to obtain marriage dispensations. There was the cult of the saints which took the villagers far away from home to attend the religious festivities in honour of the saint of their particular devotion, whose protection had been invoked in times of need and suffering. There were the lawsuits which could be heard by successive appeals in courts further and further away from the head of the municipality. There were the absentee landlords and the representatives of the king or, after the victory of the liberals, of the state, whose offices invested them with extra-local authority and power. There was also the much hated military service, avoided whenever possible. And finally there was the migratory movement to other parts of the country (mainly to Lisbon and to the Alentejo) or to foreign countries (Spain and Brazil).

The picture of Vieira do Minho just drawn above, and in the following sections, is the outcome of an attempt to give a certain order to the data contained in eight notary books and three books of wills, covering a period from the end of the 17th century up to the last quarter of the 19th century. These sources by no means constitute a statistically representative sample. In spite of this, the loose evidence extracted from them permitted the construction of a set of relationships consistent and plausible enough to delineate a certain problem: how did the households overcome the problems posed by the death of one of its members? How were power, authority, property and accompanying obligations transmitted to the surviving relatives of the deceased, and what were their efforts to anticipate the effects of death and to predetermine the terms of the succession to their own property, if any?

Accordingly, I shall present initially the legal context inside which, or in spite of which, different practices can be carried out in order to anticipate and overcome the effects derived from the death of a member of a family. Secondly, I will put together some elements that uncover actual practices by the villagers of the municipality.

II, Legal Context

Death is a very personal experience, property is a rather 'personal' attribute, and the problems of disposing of one's property can also be personal problems. Yet, the solution to these problems must conform with the limitations imposed by the legal inheritance system prevailing. In Portugal, for the period under observation, the most important legal constraints in these matters came from the Laws of the Kingdom compiled in 1595 (*Ordenações Filipinas*), until they were replaced by the Civil Code promulgated in 1867.

For the time being, I will leave aside all the questions related to the transmission of seigneurial property derived from royal donations, with the succession to entailed property (which was one of the most important supports of the Portuguese nobility), or with the succession to some kinds of church property where the main beneficiaries were to be found among the nobles. The reason for this exclusion lies in the fact that in the 'community' I was able to trace back in the sources surveyed, the nobility was only incidentally referred to.

The promulgation of the Civil Code did not change the basic rules governing the devolution of property inside the family when one of its members died. Property circulated through a vertical line linking the deceased to their ancestors or their offspring, and along a horizontal line linking the deceased with their brothers/sisters and collaterals, when the members in the vertical line were missing. In both cases the potential heirs to the patrimony were ordered in different, successive degrees, the first ones excluding the next. This sequence was imperative when property was transmitted vertically or was to be followed along the horizontal line when a person died intestate. This meant that each member of the family had obligatory and forced heirs in the first case (which could only be disinherited under circumstances defined by law), or could choose his own heirs in the second case, provided that before dying property had been handed over by means of a donation or a will.⁵ However, the legally defined and imposed heirs (children in relation to their parents or their grandparents and *vice-versa*) could not claim the whole patrimony

⁵ The Laws of the Kingdom admitted an exception to this rule: the will instituting an infamous person as heir could be declared null by the deceased person's brother, provided that the latter was not even more infamous than the appointed heir, or had not seriously offended the testator (*Ordenações e leis do Reino de Portugal Recopiladas por Mandado del Rei D.Filipe I*, 9th edition, Coimbra: Real Imprensa da Universidade 1824 Liv.IV,tit.XC, pp.154-5).

because one third of it (*o terço, a terça*) was freely disposable.⁶

The immediate effect of death was to invest the heirs as proprietors of the patrimony of the dead person. Nothing being formally said, property would be equally divided among the heirs. Well in advance of death, the law not only appointed the inheritors and determined their respective shares, but it also conferred a certain degree of freedom to the proprietor in disposing of his patrimony. Two extremes bounded these interventions: one could choose to anticipate the effects of death, transmitting the whole property while still alive, or one could prescribe ways for the devolution of the patrimony, to be effective after death; in both cases only death consummated definitively the transmission of patrimony. This preparation for death could begin at any point of the developmental cycle of the household,⁷ and no other occasion could be better to start with than marriage.

In fact, the way marriage was arranged between the future spouses and their families determined the way property would be disposed of later when one of the spouses died. Subsequent to marriage, there was a difficult period when decisions had to be made as regards the occupational and marital future of the potential brides and bridegrooms of the household, which in their turn established the way property would be distributed among the siblings. If one of these steps was formally taken (through a dowry or a donation), a will could always be written in order to formalize the property arrangements already ruling the everyday life in the household.

So, what were the possibilities offered by the law in this field? The spouses could simply go to the church and get married straightaway. However, in a community like this where the opportunities outside agriculture frequently meant going away, and the prospects inside the household could be rather gloomy

⁶ In 1769, the law of September 9th prescribed the abandonment of this inheritance system, solidly in Portugal at least since the 15th century, and revived common traditions to the old peninsular law. The powers of the testator were substantially reduced by the enlargement of the group of the forced heirs, and by the reinstatement of the old division between acquired property and inherited property, which allowed for different forms of transmission. However nine years later this law was suspended and the previous system restored (see, Inocencio Galvão Teles, *Apontamentos para a História do Direito das Sucessões Portugueses*, Lisboa: Separata da Revista da Faculdade de Direito da Universidade de Lisboa, Vol.XV, 1963, pp.127-134; and João Marcelino Arroyo, *Estudo Sobre a Sucessão Legitimária*, Porto: Livraria Portuense, 1884, pp.68-79, 89-92).

⁷ An example of the application of this concept to the study of family structures can be found in Lutz K.Berkner, 'The Stem Family and the Developmental Cycle of the Peasant Household: An Eighteenth-Century Austrian Example', *American History Review*, (1972), pp.398-418.

(especially in this area where land was far less abundant than people), marriage tended to be an economic and social arrangement between two households, with emotional reflections over the future spouses. Access to land was guaranteed by the absorption in one of the households involved. But this could prove to be a very risky business because, as soon as the couple got marriage, it was as if the patrimony of each spouse merged together. Therefore, if by misfortune one of them died prematurely and without children, his or her heirs could claim back a larger share than the one brought by the deceased spouse to the marriage. In the silence of the marriage arrangements, the spouses were assumed to be married under the custom of the kingdom (*por carta de metade, pelo costume do reino*), and so the difference between each other's property vanished.⁸ When death came and no children had been born to the marriage, the surviving spouse kept one half of the property and the heirs shared the other half. To prevent this, marriages could be celebrated under a marriage contract (*dote para casamento*) that entitled the surviving spouse to retain half of the acquired property and the household of the dead spouse and to receive back his or her own contribution to the marriage.⁹ Between these two extremes, many variations were admitted, provided they were formally embodied in the contract made before a notary.¹⁰

The future spouses could also have a say in the antenuptial property arrangements. They were allowed to give their own property (present or future) to each other by means of a donation incorporated in the marriage contract. The only limits to be observed in this case were the ones imposed in general to any donation: it could not exceed one third of the patrimony of the donor-spouse when there were forced heirs.

Let us now have a look at the property itself. The main distinction here was between movables and fixed property. Movables were devoluted according to a general rule of dividing them in two halves, one for the surviving spouse and another for the heirs; the part for the heirs was equally divided amongst them. Fixed property was subjected to some rules that could not

⁸ *Ordenações*, Liv.IV, tit.XLVI, p.80 and *Código Civil*, 1954, art. 1 108.

⁹ *Ordenações*, Liv.IV, tit.XLVII, p.81 and *Código Civil*, 1954, art. 1 134.

¹⁰ The differences between the Civil Code and the Laws of the Kingdom lay less in matters of substance than in terms of the presentation of the alternatives available to write the antenuptial conventions. The Civil Code offered a wider range of alternatives (four different regimes) whereas the Laws of the Kingdom reduced them to two, and it was up to the spouses and their families to choose from either of the two the one that suited them best (see, *Código Civil*, Parte II, Liv.II, Tit.II, secção V).

be overlooked. In fact, three households tilling more or less the same extent of land, and using it exactly in the same way, could be in very different situations when the head of the household died. If the land, the house and other buildings were allodial property, everything had to be divided among the heirs. If land, house and buildings were all held under a perpetual lease, everything was entered in the evaluation of the patrimony to be divided, although this unit could not be materially divided among the heirs. This was partible property and not divisible property.¹¹ One of the heirs was head of the unit and the others received their share of its value. If the same unit was held under a three-lives lease, nothing was taken into account to calculate the value of the patrimony of the dead person. This meant that the economic unit would pass entirely to one of the heirs (respecting of course the rules of succession agreed before, when the lease had been granted), and the remaining heirs had no legal claims to it whatsoever.¹²

The arguments behind this differentiation were that temporary leases did not constitute a patrimonial asset of the family, since they were granted at the will of the landlord. When they came to an end, there was no assurance at all that the land would be granted back to the family. Nevertheless, it is true that the right to renew the lease was granted to tenants by a set of laws enacted between 1768 and 1770 (4/7/1768, 12/5/1769, 9/9/1769 and 23/9/1770). But things were complicated by the fact that the right to renew the long-term lease was not clearly stated, except in cases where the tenant had benefitted from the property received; in all the other cases, the right to renewal was more a matter of equity than of strict legality. Besides, two conflicting tendencies lay behind this problem: one favoured an equal treatment of the heirs, no matter how different the legal statute of the fixed property was; the other favoured the preservation of a viable economic unit in detriment of the aims of equality. The

¹¹ Land held as *dominium utile* could not be divided without the consent of the owner of the *dominium directum*, and the latter would not be willing to divide it just for the sake of the interests of the tenant (see, José Homem Corrêa Teles, *Questões e Várias Resoluções de Direito Enfitêutico*, Coimbra: Imprensa da Universidade 1851, p.8).

¹² For the different treatment accorded to long-term and perpetual leases, see *Ordenações*, Liv.IV, tit.XCVI, pp.169-170 and tit.XCVII, pp.178-79. It is obvious that the restrictive system applied to temporary leases was put aside when land had been acquired during marriage, by means of buying the *dominium utile* from the previous tenant. The law assumed that this purchase had been financed by the common assets of the couple, and therefore a corresponding share of its price should be given to the heirs not entitled to head the lease afterwards.

outcome of these contradictory tendencies would have far reaching effects over the very demographic structure of the household, over the size of the rural unit and even over its market value. And before the precarious nature of the long-term leases was definitively and explicitly rejected by law, the tendency that prevailed must have been largely determined by local conditions.¹³

It is precisely in this field that the Civil Code (1867) really innovates as it prescribed the transformation of all the three-lives leases (always measured in terms of the duration of three lives, for example, the life of the husband, plus the life of his wife, plus the life of one of their children) into perpetual leases, thus giving predominance to an egalitarian tendency.¹⁴

In contrast, no controversy emerged in the case of land held under a short-term lease against the payment of a rent (*arrendamento*). As the only thing transmitted to the tenant was the right to use another's land, without any particular property right attached to it, it was unanimously agreed by the jurists that rented land was not a patrimonial asset and therefore there was no question of transmitting it to the tenant's heirs.¹⁵

Combining the basic inheritance rules with the legal statute of fixed property, one can say that there were two conflicting tendencies underlying the functioning of the Portuguese inheritance system. One of them favoured an equal treatment to all heirs; the mechanisms to enforce it were provided for by the institution of the forced heirs, and by the legal assumptions designed to supply for the silence of the proprietor. The other tendency favoured an unequal treatment of the heirs; the differentiated legal statute of fixed property and the institution of the *terço* were its corner stones. Which one of these tendencies prevailed was no longer a legal question, but a matter of concern for individual householders who had to reach a compromise between legal constraints on the one side, and demographic, economic and social constraints on the other.

¹³ For all these arguments see, Corrêa Teles *op.cit.*, pp.24-25, 101-104, 135-137, 165-169, and also Corrêa Teles, *Digesto Português*, 3rd edition, Coimbra: Imprensa da Universidade 1845-1846, pp.149-156, 171-72.

¹⁴ *Código Civil*, 1867, arts. 1 697-1700.

¹⁵ See, Corrêa Teles, *Digesto Português*, pp.119-121.

III Inheritance Practices

In legal terms, death was an easy event to handle. The dead person ceased to be the centre of a bundle of rights and obligations, and the law ensured that his heirs would replace him, exactly in the same position, as soon as death occurred. But this replacement could be much more intricate than the numerical simplicity of the law suggested.

To begin with, a choice had to be made with regard to the *terço*. To let the legal assumption work was equal to choosing an equal distribution of it among the heirs. To use the legal right to dispose of it demanded a formal contract (a donation, a will or a marriage contract) in which the favoured person was nominated. Everything was straightforward in legal and numerical terms, but what about a rural society where most of the patrimonial assets are indivisible by nature or by law? To make things more difficult, even when property could be divided, an actual division was not always possible or advisable owing to economic reasons. Besides, if the patrimony was not large enough to offer each child an identical standard of living to the one enjoyed by their parents, the attempt to preserve a viable economic unit could only succeed at the expense of the aspiration of some of the siblings to become heads of households on their own. Definitively, there was no optimal solution allowing for the satisfaction of all the interests involved. This can explain the fact that the community surveyed here seemed so prone to conflicts which were continually being taken before the courts, and so highly concerned with the exact evaluation of the inheritance. Children sued the surviving parent in order to receive their shares, siblings contested the division of the patrimony on the basis that they had been defrauded by their own brothers or sisters, sons-in-law sued their wives' parents because the financial marriage arrangements had not been met, the parents of the deceased spouse sued the survivor for the return of the dowry. In the meantime, a lot of people were called to disentangle the messy lawsuits, from lawyers and judges to local experts known by their ability to evaluate and partition inheritances.

The data gathered for Vieira do Minho uncover several inheritance practices, all of them aimed at the preservation of the household unit and its transmission to the next generation as as undiminished as possible.¹⁶ Three main variations are

¹⁶ Pierre Bourdieu ('Célibat et condition paysanne', *Etudes Rurales*, n.5-6 (1962), pp.33-135; and 'Les stratégies matrimoniales dans le système de reproduction', *Annales*, n.4-5 (1972), pp.1105-1127) presents a fundamental approach to the problems posed by the reproduction of a rural household. In both articles he ascribes a pivotal role to marriage in the delineation of the inheritance strategies necessary to the preservation of the unit of the household.

discernable: the first relied upon the celebration of a marriage contract; in the second, a donation played the prominent role; the third, was concretized by means of a will. Let us begin with the first, since it was the only one that could be supplemented both by a donation and a will.

The celebration of a marriage contract involved two different households which agreed to make certain property arrangements with the intention of providing for a new marriage, although not for a new household. Usually one of the spouses received land, the other money, and also the future bride was almost always given a trousseau. The household which gave land absorbed another working partner and submitted to a new head. At the time of the marriage property was also transferred to the newly-weds. Since land in this area was commonly held under a perpetual lease, the spouse who had received land as a dowry was usually the one chosen to retain the lease, as well as to be awarded the *terço*. These decisions produced effects which went far beyond the immediate sphere of the new couple. In the first place there was the transfer of authority and power, along with property, from the old couple to the new.¹⁷ In practical terms, the old couple was reduced to a mere working partner (health permitting) sharing house and table with the younger members, and who could legally enforce the special rights or reservations which foresight had led them to secure in the marriage contract. In second place, this transfer had its counterpart in terms of the obligations burdening property (debts) and of the obligations towards the other siblings. When the resources were sufficient, the other children could marry outside, with the help of the money in the form of a dowry brought to the marriage by the spouse. When resources were in short supply, the prospects of marriage for the others were drastically reduced and the obligations of the favoured sibling towards them increased exactly in the same proportion: the unfavoured had to be cared for as full members of the household, as long as they chose to stay. Sometimes when neither marriage outside, nor permanence inside the household was possible or desired, migration supplied a further solution.

When death was felt to be close the old couple could write a will and have a final say in relation to the property not included or reserved in the marriage contract (for example, clothes, jewels, flax, furniture, money and provisions for pious legacies). At an intermediate point between the drawing of the marriage contract and of the will, if the amount of property

¹⁷ It is true however that even in the case of a marriage contract, this transfer of property, authority and power could be postponed until the death of the old couple. It was only necessary to say so when the marriage contract was being written before the notary. Yet, in general, marriage brought about the change in the positions of the two couples in the household, when the newly-weds acquired the leading position.

justified it or if the antenuptial arrangements did not include the *terço*, the old couple could write a donation favouring whomsoever they wanted to.

However, this way of settling things was a kind of social death for the previous head of the household and respective spouse. And even worse the period of time that elapsed between this social death and the real death sometimes turned out to be a very painful one, because the younger couple failed to respect the terms of the marriage contract. For this reason, a better deal for the old couple consisted of delaying its own social death as late as possible. The longer property was kept in the hands of the old couple, the stronger their bargaining position would become in relation to the inheritors and consequently the easier it would be for them to provide for a peaceful and dignified period until death.

To secure their own rights the old couple could choose to dispose of the patrimony as soon as they thought best, but retained control over it until they died (by means of a donation or a marriage contract where property changed hands only at the time of death). They could postpone the crucial decisions to the last surviving spouse giving themselves reciprocally their own *terços* (therefore sometimes preventing the split of the patrimony after the first death), or they could delay until the last possible moment the important decisions of nominating the head of the household and giving the *terço*.

The last option involved however a great risk: death could strike without warning and leave the household in disarray. Apparently the community was eager to avoid this 'bad death': its members appeared to be committed to prepare for a 'good death' that obliged them to leave their material affairs in good order, for the sake of the survival of their household and of the salvation of their souls.¹⁸ Here lay perhaps the reason behind the tendency to reach a compromise between the anxiety over the future felt by the old and the eagerness to become independent by the young.

Another set of problems was raised in the case of a child-

less couple and in the case of an unmarried member of the household. The predominant formal arrangement in these situations was a donation. Through this device a new head was appointed for the household and protection was secured for old age, when children had not been born to the marriage; usually the new head was chosen from among close relatives, nephews and nieces being the most probable choice. In the case of an unmarried sibling who had decided, willingly or not, to remain in the household, and by doing so, not to take away the respective share in the patrimony, a donation was a powerful instrument for reinforcing the unit of the household. By means of it the share of the unmarried sibling was reincorporated in the patrimony of the household, after having been legally separated from it as a consequence of the death of one or both parents. The children born to the household, that is the nieces and nephews of the donator, were the usual beneficiaries.

Inheritance practices defined in the terms of a will were the only ones available when sickness brought the prospect of death earlier than expected and in these circumstances they were almost always used to dispose of the *terço* and appoint the successor to the land lease. But the will could also be used by the less well-to-do. When there was no land to dispose of, the personal belongings (a surprisingly high-valued asset of the household was constituted by clothes and linen, no matter how worn out) and the pious legacies afforded a very strong reason to write a will.

Within the broad legal context the delineation of the actual inheritance strategy seemed to depend on the demographic and economic conditions of the household along its life-cycle, on the position occupied inside the household by the person in question, on which of the siblings were expected to survive and on what kind of preparation for and anticipation of death one decided to make. However, a unifying principle seemed to permeate all of them: the preservation of the household as a viable patrimony. Voluntarily accepted (especially in the case of the favoured heir) or imposed over against will (particularly in the case of the unmarried siblings who had to stay in the house), this principle was embodied in very revealing expressions: to succeed to the household (*suceder na casa*), to marry in the household (*casar na casa*), to remain in the household (*ficar na casa*), to establish the household (*fazer casa*). This preparation for death, which in some instances had already begun at the time of marriage and in others only allowed for the hasty writing of a will, was without any doubt a personal matter, although a personal one within the household. Besides, these personal, conditioned choices were rather locally determined by the forms of accession to land and their different forms of transmission. Here lies an important variable to be taken into account in the study of the demographic composition of the household, as well as in the study of the migratory movement. Widening the horizons even more, the analysis of eventually different inheritance patterns, coexisting within the same legal context but representing a response to regional, economic and social variations, suggests a fruitful approach to the understanding of rural Portugal in its transition from the old

¹⁸ This preparation for death was a kind of social obligation for everyone with property to dispose of. The spiritual preparation and provision for death of which every good Christian should be conscious was matched by the material preparation for death, so that when this occurred not only the needs of the soul had been met, but also the household was left in good order. A careful preparation for death was thus essential to achieve a 'good death'. For this concept of 'good death', which combines religious and social requirements, see, Patricia Goldey 'The Good Death: Personal Salvation and Community Solidarity' in this volume.

regime to the liberal society. However, these questions are not directly related to my main concern, the preparation for death, and as such they will have to wait for further consideration in the future.

MARGARIDA DURÃES

TESTAMENTARY PRACTICES IN VENADE (MINHO), 1755-1815

I

It is probably not necessary to recall the importance of death as a subject of investigation in the context of recent historiography, and the countless works published in the last 40 years. Death as a demographic factor; the behaviour of men before death; the preparation to die and the ambiance in which death occurs - these are only a few of the themes which have aroused the curiosity of historians, and led to major contributions by Ariès, Vovelle, Chaunu, Lebrun, Goubert.¹

The sources used in those works are quite varied. But inasmuch as this theme has been regarded in the perspective of *longue durée*, what has assumed a central place in the course of the last decade is the subject of wills.² It is difficult today to deny the importance of wills to the history of *mentalités*, and to

¹ Philippe Ariès, *Essais sur l'histoire de la mort en Occident, du Moyen Age à nos jours*, Paris: Editions du Seuil 1975; Michel Vovelle, *Piété baroque et déchristianisation en Provence au XVIII. siècle*, Paris: Plon 1973; Pierre Chaunu, *La mort à Paris (XVI., XVII., XVIII. siècles)*, Paris: Fayard 1978; François Lebrun, *Les Hommes et la Mort en Anjou aux XVII. et XVIII. siècles*, Paris and The Hague: Mouton 1971; Pierre Goubert, *Cent Mille Provinciaux au XVII. siècle*, Paris: Flammarion 1968.

² See Michel Vovelle, 'Un préalable à toute histoire serielle: la représentativité sociale du testament (XIV.-XIX. siècles)', in *Les Actes Notariés*, Strasbourg: Istra 1979.

social history in general.

Piété Baroque et Dechristianisation was the book which prompted my interest in the study of this kind of source, which has thus far received scant attention in Portugal. Relying on Vovelle for the method and on Ariès for the theory, the task was to test their applicability to the Portuguese case, and to check any deviations from the model. The first set of questions was, thus, to find out which type of will had been made in Portugal, and where they could be found.

II

According to *Apontamentos de Teologia Sacramental*,³ a theological handbook of the 18th century, there were two ways of making a will: 'an open one, and a closed one; the closed one is written and then closed so that the witnesses which must be present will not know the bequeather's will; the open one is that made before the witnesses'. In order to be valid, a testament had to obey certain 'solemnities'. If written, the bequeather had to sign it or have it signed on his or her behalf if he or she could not write, and then it had to be brought in the presence of five witnesses to a public notary, who would register it in legal form. The 'open will' - also called nuncupative - could be made by the notary, or by the bequeather or his representative, or it could be made merely by word of mouth, when the bequeather was on his deathbed. In any case, it had to bear the signature of several witnesses.

The first step of my research thus consisted of an analysis of the notarial books. Surprisingly, there were almost no wills registered in them during the 18th century - this statement, however, is not based on any statistics. The rarity of wills in notarial books, in turn, led me to other sources. Moreover, the few testaments found in the notarial records refer to very specific situations, like the bequeathing of one's own property before entering a monastery. According to some medievalists, testamentary practices were known in Portugal and were common mainly among the privileged social strata. This encouraged my pursuit of 18th-century wills, and finally I found a great deal of them in parish registers.

Making wills was a widespread practice by the end of the 18th century and early 19th - only social practice differed some-

³ *Apontamentos de Teologia Sacramental* (18th century), Arquivo Distrital de Braga (A.D.B.) MS. 613.

how from the strict legal rules. The notary played a very small role; he could write wills (only 6 out of a total of the 227 I am concerned with here were actually written by notaries), but he was mainly called in to approve them. This approval would be registered in the will itself which would then be kept by the bequeather until his death. This applied to both closed and open wills, although the notary's approval was more common in the former case (84 wills were of the closed kind and were judicially opened). The nuncupative wills would generally bear the witnesses' signatures only; there are 143 wills of this kind.⁴

The same cannot be said with respect to the clergyman's role. On the contrary, we can say that wills depended upon their actions. They would disseminate amongst the population the need to make a will as a requisite for a 'good death', through sermons⁵ and prayers,⁶ and during their attendance on a dying person in order to give the last sacraments.⁷ The priests were often called upon by those who could not write, and this must have been more strongly felt in the rural areas with higher illiteracy rates. Out of the 227 wills, 35 were written by priests, 11 by 'surgeons', 52 by rural notaries; the others do not mention who wrote them. The priests would also demand from the heirs, after the bequeather's death, the presentation of the wills in order for them to be transcribed - either in full or just the 'pious vows' - a practice strictly controlled each year through the visitations.⁸ The priests' commitment to their

⁴ *Livros de Testamentos da Freguesia de Venade, Concelho de Caminha*, A.D.B.

⁵ *Sermão sobre a Morte e como nos devemos preparar para ella*, A.D.B. MS. 492 (11); *Breve discurso sobre a Morte do pecador como apenso a outro qualquer Sermão*, A.D.B. MS. 492 (6).

⁶ *Exercício muito útil para a consideração da Morte* (19th century), A.D.B. Mss 61; *Exercícios quotidianos com que se justifica a Alma para obter Boa Morte* (18th century), A.D.B. MS. 244.

⁷ *Livros de Obito da Freguesia de Venade, Concelho de Caminha*, A.D.B. These also contain several notes written by the priests referring to fines imposed on those who had not called him in time to administer the Last Sacraments. The fines could reach 4,000 reis.

⁸ *Livro de Testamentos*, fol.157v reads: 'Read in Visitation. The Priest is hereby ordered to copy into this book the pious legacy of all testaments. The heirs of those who died testate must present the wills to the Priest, who will return them after having copied them. If the heirs refuse they shall be fined up to 500 reis, and the fact must be reported to the next Visitation.'

parishioners' bequeathing practices was so zealous that in the beginning of the 18th century the King intervened and sent a letter to all ecclesiastical authorities in which he ordered that their excessive demands should cease.⁹

It is, however, thanks to the zeal of the priests that we are able today to use a large quantity of wills, registered in the parish books. We are all aware of the criticisms raised against such sources, although their merits have long since been established thanks to historical demography. The problems relating to the late beginnings of the parish registers, to the existing gaps, and to the loss of many books are equally relevant to the registers of wills. In the Province of Minho, only 292 out of 804 parishes have thus far shown their registers, and they do not go back further than the early 18th century.¹⁰ To these difficulties one must add the different procedures employed by the priests. Some of them transcribed the whole document, others recorded the 'pious vows' leaving the 'material' aspects out, and sometimes only the number of masses and other religious services required by the bequeather were kept. The quality and quantity of the wills are, thus, quite variable.

Apart from these documents - mainly from rural parishes - wills are also to be found in the archives of the municipalities. These date principally from the 19th century, are of the closed type, and come from urban parishes, which do not generally possess registers of wills, or have them in significant numbers. The wills kept in these archives are also legal transcriptions made after the bequeather's death, and were made in order to allow the authorities to control the execution of the arrangements.

I hope to be able to conciliate the three different sources in the course of my regional research. But since my main interest relates to the rural society of Minho, and my research is linked with other research currently being pursued in the Centre for Regional Development of the University of Minho, I decided to study a well-documented parish of this area - Venade, in the Municipality of Caminha, where I found wills registers covering roughly one century from the 1750s. This paper presents

⁹ A.D.B. MS. 788 (1) reads: 'I, the King, salute you.... Having received complaints from many clergymen of the Bishopric of Oporto regarding the excessive zeal of some priests... I decided that the heirs of those who died intestate and the executors of wills must not be compelled to make more pious legacies than those mentioned in the testaments.'

¹⁰ See the catalogue of Parish Registers kept in the A.D.B. Many of these books are still in parish archives, others (mainly from the 19th century) are in the Conservatorias do Registo Civil (Civil Registration Offices).

the first results of my analysis; it does not aim to present an overall picture of attitudes towards death in the Minho, not to mention in Portugal. This parish is only representative of itself although it may produce an image which must later be compared with other case studies.

III

Analysing the death registers of Venade between 1755 and 1815, I realized that only 290 of a total of 638 dead persons had not made a will. This means that in the second half of the 18th century and early 19th, 54.8% of the population made wills. The percentage of the population dying intestate, although in line with the findings of Vovelle, could well decrease if more closely observed. The 265 intestate can be divided into three groups: 144 single persons, 97 married persons and 49 widowers. Why did they not make a will? Was it because many single persons were minors? Out of the 144 single persons, 20 were undoubtedly minor, and did not have the legal capacity to bequeath,¹¹ whereas 6 had died suddenly, 34 'were very poor and had nothing', 29 had died in Lisbon, Viana, Lamego and other parts of the country, 2 were mentally handicapped, and 34 offer no reason at all. It is possible that the last group included some youths, but there can be no certainty about that. From the group of those who had ever been married, 36 did not make their will due to poverty, 9 died suddenly, 4 were out of the parish, and 97 offer no justification. In all, 50% of those who died intestate did so for a good reason. Thanks to the care of the priests, who made complementary notes, it is also known that those included in the category intestate were generally awarded a *bem de alma* (literally, a good thing to the soul) paid by the heirs, most certainly under pressure from the clergymen when they had the means to pay.¹²

Among the death entries referring to a will some cases must be specified. As we have seen, there were 348 such entries, but

¹¹ Other demographic history studies suggest that this is far too small a number of minors. The 36 deaths of intestate persons which carry no explanation for that fact may be added to the numbers of minors' deaths.

¹² The ceremonies are usually noted on the margins, and are generally three - the mass on the day of the funeral, and the celebrations of the first month and first year after death.

only 112 wills have been found. What sort of testament would the others have made? A testament by word of mouth? Several references suggest that testamentary practices among rural populations began through this form of testament; on the other hand, the gap between 112 and 348 seems to be too large to be true at a time when written wills had expanded considerably. Does this not rather reflect one of the basic problems raised by parish records? As if to confirm my suspicions, there are also 115 testaments without a corresponding death entry. We can therefore assume that both death and testaments are under-recorded in the registers. This is the point where the crucial problems arise, because the confrontation of different sources - in this case, the records of deaths and wills - show gaps, and one wonders whether the results can be validated. In the circumstances, I decided to consider a) death entries which indicate that a will had been made despite its not having been transcribed (236 cases); b) wills with a corresponding death entry (112 cases); and c) wills without a corresponding death entry (115 cases). If we exclude those who died before reaching the age at which they could make a testament, the majority of the population (about 60%) made their testament - a finding in line with what has been found for the south of France. We can therefore say that the act of making a formal testament was 'almost unanimous' in Venade in the period under consideration, assuming that the standard measure for its representativeness is the number of deaths.¹³

As the research progressed I noticed that there were particular years when almost everyone seems to have made a will, mainly on their deathbed. From the 1780s the proportion of those who died after making a will tends to go up, and continued to be high in the early part of the 19th century. What was the cause of this rise?

Amongst the various elements which must have played a role, the following hypotheses ought to be considered before a conclusive study is attempted:

- (i) Did it derive from a greater awareness of testaments or from an acceptance of formal bequeathing practices?
- (ii) Could it mean that parish religious life intensified? If so, was it on the personal initiative of the priest or was it in accordance with orders from the Archbishop?
- (iii) Could it be that we are in the presence of a period of crisis affecting the population both in terms of demographic behaviour and in their *mentalités*? Oliveira's study on agrarian

¹³ Vovelle, 'Un préalable', p.262, fn 2.

history¹⁴ has made it clear that the economic systems prevailing in rural Minho underwent a process of rupture at this time, and Vovelle has suggested that in a time of crisis, testaments exert greater appeal.¹⁵

The questions raised here require the study of a significant sample of parishes before any conclusions can be reached. But apart from this problem, as well as that of the frequency of bequeathing practices when compared to fluctuations in mortality, others deserve some attention. The testament is an important document. But who does bequeath? Men or women? Which social group do they come from? Do testaments mean wealth? Or social prestige? How can social status be revealed through testaments?

It is probably true to say that in earlier times, bequeathing was mainly a male practice, but by the 18th century things had significantly changed - women became equal to men, and in certain cases there even was a reversal of their former positions. In the case of Venade, about 70% of the testaments were made by women, although they were able neither to write nor to sign them; men could not write them either (except in a few cases), but they often signed them. Why do women have this supremacy? There is no easy answer, and it would be extremely interesting to start by determining when the change occurred. In this parish, it is worth mentioning the large number of widows (69) and single women (79). There were also 28 married women. The fact that when married couples made their testament both spouses made one, and the diffusion of this form of bequeathing, may account for the high proportion of women to the total number of bequeathers. The social status problem is somewhat more difficult. The bequeathers seldom state their occupation, although we know they all belonged to a rural society. But within each rural society differences in wealth and in the relationships between individuals can be substantial, and when no direct means are available, it is still possible to try an approach to social differentiation through indirect indices. One such index may be obtained from the testaments which comprehend a 'material' section, i.e. references to the possessions to be shared by the heirs. This method presents some problems, since donations might have been made and not referred to in the testament, for example when the bequeather had a married son. The major problem, however, derives from the priests' lack of interest in this aspect of the testaments, which must be held

¹⁴ Aurelio de Oliveira, *A Abadia de Tibães 1630/80-1813: Propriedade, Exploração e Produção Agrícolas no Vale do Cávado Durante o Antigo Regime*, Doctoral Thesis: Porto 1979.

¹⁵ Vovelle, 'Un préalable', p.267.

responsible for the overwhelming registration of 'moral testaments' only, the exceptions being those cases which involved large amounts of money.

The second index can be derived from the 'moral testament' itself. The *bem de alma* should be paid for by the heir entitled to the *terça do terço* (literally, the third of the third, the third being the freely disposable part of one's own property), and only when the 'pious legacy' had been fulfilled could the heir benefit from his inheritance.¹⁶ An evaluation of the 'pious legacy' may therefore suggest the social status of the bequeather, and it comprises several indications of the number of priests to be present at the funeral, the number of masses, the alimonies to the poor, the donations to institutions, the death shroud, and even the place of burial. The last act one accomplished in this world ought to be in accordance with 'the uses and customs of those of his rank', and both the bequeather and the heir wished to profit from the occasion to make clear their position in the parish hierarchy. It must also be stated that some bequeathers made the task easy for us by declaring that they ask for no more because they are poor, or by ordering all their valuables to be sold in order to pay for the *bem de alma* or, on the other hand, when they prefix their names by Dom or Dona - a sign of social prestige. This could lead us to think that testaments were the last thing to be made in a person's life, and in which a significant part of the disposable goods was in fact registered. It would nevertheless be an exaggeration to suggest that testaments were some sort of commercial transaction with the representatives of the Afterlife (God, the Virgin, the Saints and the Angels) aimed at acquiring the salvation of the soul. The practice was undoubtedly well within the spirit of the Catholic Reformation, and assumed a dramatic character through which the bequeather hoped to obtain a 'good death'. The first feature can be proved by recalling the expressions found in testaments: the Holy Trinity, God, the Eternal Father, the Most Precious Blood of the Only Begotten Son Spilt on the Tree of the True Cross, the merits and sufferings of Jesus Christ - all these are invoked as testimony of 'an absolute faith in all the mysteries and doctrines taught by the Holy Roman Catholic Church'. The Virgin Mary, Mother of God and of all sinners, is asked to plead for the dead person's soul before the Son, and the Angels, the Saints, and the Souls in Purgatory are urged to use their influence in the Holy Tribunal. These expressions can be found all together, or in simplified

¹⁶ This fact was always mentioned when the material dispositions were copied and when one heir benefitted from the *terço*. This heir was generally appointed executor of the will and had to pay the *bem de alma*. Dowries also show the *terça* being kept associated with the payment of the *bem de alma*.

versions, depending mostly on who wrote the document. In the case of Venade, wills were seldom written by the bequeathers themselves, and this suggests that the formulae used in the 'commendation of the souls' were largely the clerk's responsibility, who used current expressions from the liturgy. There is, however, a peculiarity I wish to underline: 99% of the testaments contain a statement of belief in 'all the mysteries and doctrines taught by the Holy Roman Catholic Church', and in the 'hope that such faith will save the soul'. Is this an expression of the influence the Council of Trent had in Portugal? On the other hand, does not the expression 'hope that such faith will save the soul' reveal the knowledge of other sets of beliefs? The word 'hope', I believe, can be read as allowing a feeling of doubt or even of anguish at a crucial moment.

IV

The scope of my analysis does not yet allow sound conclusions, but I think it provides sufficient ground for some considerations - problematic and theoretical - bearing on my research.

First, I think that the influence of the Catholic Church and the priests on a dying person was very important, leading to uniformity in bequeathing practices during the 18th and 19th centuries.

Second, I attribute the reduction of 'pious legacies' (number of priests, services, alimonies, etc.) in the same period not so much to a 'dechristianisation' or a 'laicisation' of the act of writing a will as to the diffusion of this practice amongst the poorer groups of the population which were not used to doing so. Testaments were no longer the privilege of some well-off people but became common practice. Was it that the Kingdom of Heaven was no longer the province of the poor and unhappy, who now also had to guarantee their salvation?

Third, the extent to which the testament represents a mode of personal assertion and prestige within the parish community is still unclear.

Finally, the effect of economic and demographic crisis on the *mentalités* and behaviour of the Minhotos remains to be ascertained.

Religious sentiments at the moment preceding death strongly influenced the behaviour of these people, and even in the 19th century testaments throw light on hidden aspects of their mental and psychological lives. The fact that no other source reveals more directly these phenomena places the study of wills in a privileged situation for all those who care about these questions.

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OLIVEIRA MARTINS : DEATH IN HISTORY

Portuguese 'decadence' is one of the central issues discussed by the authors of the so-called 'Generation of 1870'.¹ Antero de Quental in his second lecture at the Casino in 1871 expressed his ideas on the origins of this decadence - which could have been subscribed to by many of his friends of the time - in the following way: since the 17th century, Portugal had witnessed a continuous process of social and moral decomposition. The country had been dominated by absolutism and by the Jesuits, blocked by her own conquests, and closed to scientific and cultural progress. The access of the Liberals to power in 1834 had not been able to stop the nation's decadence. All this made it necessary for those men who met together in the 1870s to question received ideas, to arouse public opinion, and to give new life to the moribund motherland.

This reflection on decadence thus included one aspect which we should emphasize: a reflection on death. For Eça de Queirós, Teófilo Braga, Antero and some others, death was the precise term to be used in describing the state the nation was approaching and was going to reach unless something was done to save her. This was by no means a new element. It is well known that the funereal, thanatological theme is central to romanticism, and Almeida Garrett, Alexandre Herculano and King Pedro V had introduced it into socio-political discourse, by referring to the possibility of the nation's collective death. The 'Generation of 1870',

¹ Brief notes on the authors, ideologies, movements and events referred to below have been inserted as an appendix to this article for the convenience of readers.

however, regarded Portuguese Liberalism, of which the above-mentioned had been key figures, as a stage in that decadent and moribund past they considered necessary to overcome.

Oliveira Martins (1845-1894) seems to have been, in the closing stages of the 19th century, the one who has best explored the metaphorical, analogical and analytical features of death. This is visible both in his historiographical and in his anthropological or literary works. Three factors can be stressed as accounting for the presence of death in his writings. First, Oliveira Martins was still a romantic writer, eager to enhance the rhetorical and passionate effects of his writing; second, he was much influenced by the decadentist ideology, and death was, in this domain, an excellent metaphorical argument; third, he was influenced by organicism, and as such he considered societies, individuals and nations as beings that are born, grow old and die.

The interest of Oliveira Martins in death is not exhausted by his stylistic, analogic and emphatic uses of the theme. Controlling these uses in his global attitude to death (or a particular sentiment in relation to it) and a consistent attempt to manipulate the image elicited in his readers by death itself (or the representations they have of it) as an analytical category, as a key to cognitive, critical and philosophical decoding.

The meditation on Portugal undertaken by Oliveira Martins gives a privileged place to history, and in this analytical space the profit derived from treating the subject of death is more intense than elsewhere in his work. The position of history in his thought-system needs to be elaborated to avoid confusion. History must be written as a drama, he wrote in the preface to the 2nd edition (1883) of his *Portugal Contemporâneo* (first published in 1881). This implies a literary framework. On the other hand history is one of the main pillars of the 'Library of the Social Sciences' he attempted to create.

The analytical enterprise of Oliveira Martins comprehends two permanently intersecting levels. The first is that of the definition of the general trends of human evolution in the sense of an evolutionism with Proudhonian and biologist roots; that would be the task of the social science, nomology. The second consists of the description and interpretation of those events related to each people or group, or combination of both, which fills in a unique and original way the area limited by the laws of evolution - and that is the scope of history.

This theory, stated in the introduction to his *Tabuas de Cronologia* (1884) denies the strictly scientific character of historiography, but on the other hand values it as an analytical tool, liberating it from its permanent subordination to the schematic vision of the march of mankind entailed by biologism and evolutionism. If history cannot reach truth, if it must often remain at a level of 'indeterminacy', it is then necessary to deploy all sorts of tools to enable us to ascertain what endures in a given nation - its civilization. If one adds to this his under-

standing of history as *the* exercise of criticism inasmuch as it is only through history that our social genealogy can be known and the present explained, the pivotal role of this discipline in Oliveira Martins' general system of thought will be better appreciated. Hence the indispensability of a dialogue with the nation through its dead, its past transactions. They always remain present - through death.

The Roman Republic, to which he devoted a book (*Historia da Republica Romana*, 1885) is the matrix of the model of evolution of those societies which acquired some historical dimension. The model asserts the immutability of a succession of three main states: formation, apogee, decadence. In Rome, a period of organic formation, culminating in the Republic, was followed necessarily by another - expansion through military conquest; such expansion in turn introduces in the ancient city foci and factors of disintegration leading to social disorganization, then to Caesarism and the Empire. In their main features, both the history of Portugal and that of Spain (studied in 1879) follow a path similar to the Roman case. The process of formation covers the Middle Ages, and from it stemmed, in the Portuguese case, the establishment of independence and the 'Atlantization' of the national trajectory. During the 15th and 16th centuries such a direction is embodied in the overseas expansion - that is the period of apogee, heroic by its very nature, during which Iberia played a salient role in European history. The 1500s, however, ended in catastrophe, and the process of decomposition which started then, and became increasingly more intensive, had not been reversed. Modern Portugal, under the dynasty of the Braganças, had no energy of her own; governed by the Jesuits, dependent on the English, the only genuine expression of national consciousness it could show was sebastianism. The dictatorship of Pombal was unable to extricate the country from the path of decadence. The implantation of Liberalism, even if responsible for the elimination of the Ancien Regime, had not meant the *construction* of a new, solid collective organism.

Why does decadence occur? In his *Causas da Decadência dos Povos Peninsulares* (1871), Antero imputed its responsibility to exogenous factors: post-Tridentine Catholicism, absolutism, the 'conquests'. Oliveira Martins recasts the problem: the roots of decadence are to be found in the apogee period. The Iberian Peninsula falls into the hands of the 'mercantile spirit', which is alien to its nature, but which the Peninsula itself had imposed on Europe through overseas expansion. There is a fatality which redeems the 15th-century nation from culpability by invoking a destiny which is not transcendent but immanent to historical reality - 'a destiny which resides in the very essence of things'.

The thanatographic imagery, cultivated to exhaustion by romanticism, serves exceptionally well to emphasize this interpretation. The historian-artist is allowed to see in the voluntarily sought disaster of El-Ksar-el-Kebir or in the climate of religious fanaticism so well translated into an institution by the Inquisition, indices and demonstrations of a desired death,

of *suicide*. He is also allowed to see the liquidation of the Ancien Regime (the old nation which had in Prince Miguel its last and most legitimate representative) through a political process initiated abroad and helped by foreign powers, against the popular will, as a *murder*. (The use of the terms suicide and murder in this context was proposed by Oliveira Martins.)

Sustaining that imagery there was a reflexive work which uses death as one of its axes, and from which three extensions are visible: the first, of a hermeneutic kind; the second more heuristic and analytical; and a third one with a more generalizing nature, interpretative in the widest sense of the term.

Note first how the historian understood the period of two centuries during which apogee occurred and decadence started. The *Historia de Portugal* announced, in 1879, what Oliveira Martins sought to demonstrate in the 1890s with *Os Filhos de D. João I* (1889-90), *A Vida de Nun'Alvares* (1893) and the unfinished *O Príncipe Perfeito* - the overseas expansion represents the fulfilment of the Nation's destiny, which is a tragic one. In fulfilling its destiny, the Nation achieved the maximum splendour, but at the same time, its role in the general evolution of mankind was exhausted. The Portuguese tragedy resides in that the assumption and actualization of a particular destiny contained a challenge to that stronger destiny - the necessary evolution of things. For this clash - a tragedy for the romantic vision of time - death is either the punishment or the desired solution.

In the second place, the framework for a historiographical reading which includes death as a main feature, favours, in heuristic terms, the manifestations of collective psychology and phenomena of the popular masses' everyday life - because they alone allow us to glimpse the core of the ideologies, values, forms of sensibility, which we now call *mentalités*, and which the author referred to as 'collective temperament', 'unconscious sentiments' or, in its widest sense, 'historic education'. There lives the 'genius' or the 'soul' of the Nation, which in the last instance are the terms that serve, by analogy, to synthesize each civilization. In situations of social disaggregation, the general traits of those attitudes become more evident; hence the care with which he dealt with phenomena related to death in an attempt to carry out what he called 'collective pathology'. The analysis of the values and forms of behaviour of a society in organic extinction - the whole nation at the beginning of the reign of King Sebastião, the miguelite nation during the civil wars - contained in his *Historia de Portugal* and *Portugal Contemporâneo*, are revealing in this respect.

Thirdly, it is in terms of death that Oliveira Martins envisages Portuguese decadence. In this sense, he extends the romantic reflection,² respecting the rhetorical parameters, but

² The best study of the romantic reflection on death belongs to J.A. França, *O Romantismo em Portugal* (Lisbon 1974-5). See also T.F. Earle's article in this volume.

obviating the perils of ultra-romanticism, and investigating the problem at a deep level never achieved before, both from the standpoint of the *intensity* of questioning and that of the analytical tools employed. His interpretation rests its pessimistic diagnosis of Portuguese social death on economic and sociological analyses which are still timely, and on a genealogic understanding of history, in which death is a hermeneutic key. For Oliveira Martins, the national death, or its spectre, is an organic, not a purely rhetorical death.

Why and when does a society die? Death is the key word to characterize social disorganization, and according to the author, this must be regarded at two levels: first, as a disaggregation and disintegration of national *organs*, that is, as the absence of a stable economic constitution and of any form of regulation or control of social conflicts and interests - a weakness of the State which Martins as a social and economic historian emphasizes; and secondly, as moral decomposition, that is, the non-existence of a collective moral unity or national *will*. Like Antero, Oliveira Martins stresses the importance of this factor and the role played, in a broad context, by the blocking of intellectual and scientific advance. Hence his attributing to the Portugal of the 1600s a *moral death*, an expression first used by Antero in 1871.

A society which does not live, i.e. which does not possess either intellectual or organic energy, a society without ideas and actions, is a dead society. Such a claim accommodates perfectly the attitude expressed, among others, by Oliveira Martins, about the life and the death of a person: life is valued by ideas, the intellectual passion of thought and the ethical duties commanding action - and that guarantees, through the collective memory, immortality; death offers the best occasion to assess each person's worth.

So it is with societies. History there obtains its justification - a discourse about the past is the privileged locus for the meditation on 'the nature of things', as the last paragraph of Martins' *Historia da Civilização Iberica* (1879) reads. The very fact that things are dead thus becomes a source of illumination.

The assumption of death as one analytical axis helps us to understand three other important elements of this author's thought and writings: a) the narrative dramatization and the literary apparatus are not only the necessary surface realities of an understanding of this kind, assuming history as drama and tragedy, but also, and above all, one of its essential components; b) the attention devoted to the phenomena of social psychology and *mentalités*, and the making of a historiography of everyday life, are both rooted in the idea that it is in the collective and unconscious sentiments that the soul of the nation lives - hence, it is there that the nation's historical life or death is decided; c) the characterization of the long, unfinished period from the Discoveries onwards as decadence leads to the presentation

of an alternative - either total death, or an eventual regeneration which Martins regarded, in the 1890s, as a moral regeneration.³

Rather than going further into the peculiarities of Oliveira Martins' thought, it is perhaps more appropriate here to stress some general points regarding attitudes towards death and the use of death as an analytical tool. My last two suggestions aim, therefore, to assume a theoretical dimension, both from the standpoint of research on systems of thought and from that of studies of the relationships between man and death.

If we regard the polyhedric figuration of the system of ideas displayed in Oliveira Martins' work, we can conclude that research such as the one summarized in this paper - taking death, the representation of death, and the use given to it - as a line of questioning and a set of criteria for characterization, allows another side of Oliveira Martins to emerge more clearly. It does not replace nor surpass others, more visible and explored, such as the economic, the sociological, the critical and the political activities, or the purely literary aspects; but it will not fail to occupy an important place in any attempt at a global understanding of the system of ideas under consideration. In this new light, we face a reflection of Portugal postulating the *longue durée* as one of its most fundamental parameters, and using historical analysis as its main channel. The meeting/dialogue with the present from a perspective of past time - that is, history - integrates death as a crucial analytical category. The dialectic life-death is, therefore, a key to the understanding of the past: in the final analysis, death is a mediation of history. Oliveira Martins does not represent, in this respect, a unique case. Death is a fundamental value in romanticism, and the Portuguese social death is a pervasive theme through the 19th century, from Almeida Garrett to the so-called 'literary nationalists' of the 1890s. It is necessary to distinguish the purely metaphorical and rhetorical uses of death, visible mainly in the various ultra-romanticisms, from its use in a specifically reflexive and interpretative form. Above all, it is now incumbent upon us - those who are concerned with a social analysis of thought - to consider the attitudes and the representations which death originates, as a fundamental path in our approaches to culture (including ideologies). I believe this to be a suggestion worth pursuing in the domain of research on thought - approaching it in a way which apparently does not deal with *ideas* but with *sentiments*, but which would soon reveal how illusory such a demarcation is.

³ Three Portuguese poets were subsequently to pay close attention to this issue, regarding moral regeneration as an alternative to social death: António Nobre (1867-1900), Teixeira de Pascoaes (1877-1952) and Fernando Pessoa (1888-1935).

My second suggestion is directed at those social scientists whose concern is with 'man and death' - be they social historians, historians of *mentalités*, anthropologists or sociologists. With reference to Ariès' typology, Oliveira Martins' attitude towards death is clearly romantic, and it reveals the traits of the 19th-century kind of attitude the French historian has called '*la mort de toi*'. But the experts have been mainly concerned with attitudes towards real, biological, individual death. That is not our case. What is most interesting in the Portuguese thinker is his conception of a moral, collective death. It is his figuration of death. Not only does he speak and think *about* death, he speaks and thinks *with* death - using his own image of death as an analytical category, a master-key to decoding the world. I believe that there lies a cornerstone of the understanding of the relationships between man and death. It certainly is necessary to analyse the attitudes and forms of behaviour towards physical death, having in mind Vovelle's distinction between '*mort subie*' and '*mort vécue*' and the '*discours sur la mort*'. That requires multi-disciplinary research, both within existing theoretical frameworks as well as within the framework of the total science of Man proposed by Morin when he discussed this very issue, or even of the 'anthropo-thanatology' outlined by L.-V. Thomas. It will nevertheless be worth bearing in mind a very simple element most investigators seem to have overlooked⁴ - that is, that men think not only *about* death, but also *with* death, and death is not solely a physical reality but a meta-physical image as well. Death often serves as a key to decipher the world. And an analysis of the ways in which that key is made and used is essential to the understanding of the world that created it and that it helps unveiling.⁵

⁴ See Edgar Morin, *L'Homme et la Mort*, Paris 1970; Michel Vovelle, *Mourir Autrefois*, Paris 1974; Louis-Vincent Thomas, *Anthropologie de la Mort*, Paris 1975; Philippe Ariès, *Western Attitudes Towards Death*, Baltimore and London 1974, and *L'Homme devant la Mort*, Paris 1977.

⁵ I wish to thank Mr Eugénio Lisboa for his comments and, in a very special way, Rui Feijó.

APPENDIX

Brief notes on the authors, ideologies, events etc., referred to above.

King Sebastião (1554-1578) was the last king in the dynasty of Avis. He tried obsessively to resume the expansionist policy in Africa, and led a military expedition which was tragically defeated in El-Ksar-el-Kebir (in Portuguese, Alcácer Quibir). The king died, the nation lost independence (1580) and was united with Spain. The battle of El-Ksar-el-Kebir became a symbol of the end of Portuguese apogee, and sebastianism emerged as a messianic movement, present in all stages of the nation's history thereafter.

From 1640, when independence was recovered, Portugal was governed by the dynasty of Bragança. In the 18th century, the government of Pombal (between 1750 and 1777) was characterized by an attack on parts of the nobility, the promotion of bourgeois interests, the expulsion of the Jesuits, the secularization of the Inquisition, and an educational reform; hence the modernist, pre-liberal image created around Pombal by the 19th-century Liberals.

The end of the Ancien Regime entailed an open struggle culminating in the civil war, which ended in 1834 with the Liberal victory, under the command of King Pedro IV (1798-1834). The leader of the absolutists was Prince Miguel (1802-1866), the king's brother; hence the term miguelism, used to designate the political movement and the partisans of the Ancien Regime.

The two most important Portuguese romantic authors were Almeida Garrett (1798-1854) and Alexandre Herculano (1810-1877), the latter being particularly influential during the reign of King Pedro V (1837-1861), the king-thinker and pedagogue. Realism and Socialism were mainly diffused by the youths of the so-called 'Generation of 1870', who organized a series of public lectures in the Lisbon Casino in 1871 which were banned by the government. Antero de Quental (1842-1891) was the group's leading philosopher. Eça de Queirós (1845-1900) became a celebrated novelist. Oliveira Martins (1845-1894) was a thinker and political activist. Teófilo Braga (1843-1924) adhered to positivism and became a leading figure of the Republican Party in Opposition, and later President of the Republic.

In the 1890s, a new generation attempted a return to romanticism and embarked on an aesthetic glorification of the rural nation. Their literary movement is called 'literary nationalism'.

T.F. EARLE

DEATH AND THE IMAGINATION IN ALEXANDRE HERCULANO'S 'EURICO'

Historical novels must be concerned with death, because they are about people who are no longer alive. This is an obvious enough statement today, but was much more exciting when historical fiction was in its infancy. In Portugal, in the 1840s, critics regularly pointed out that the new novel created by Alexandre Herculano was especially remarkable because it could bring the past alive, and thus make it possible for readers to come to know people who had been dead for centuries. Garrett's historical poems, *Dona Branca* and *Camões*, gave their first readers a similar experience.

Herculano's friend Rebello da Silva refers to this aspect of the new literature several times in his review of *O Monge de Cister* (*The Cistercian Monk*). Before the arrival of Garrett and Herculano on the literary scene, he says, it was not possible to 'recall to the world of ideas and of the understanding those who sleep wrapped in their shrouds and with the weight of eternity on their breasts'. Later, he makes a connection between the artist and God: 'After God, only art is omnipotent, so that it can say to nothingness: "Exist!", and to the corpse, as to Lazarus,

I should like to express my gratitude here to the Instituto de Cultura e Língua Portuguesa and to the Board of the Faculty of Medieval and Modern Languages, University of Oxford, for financial support enabling me to carry out research on Alexandre Herculano in Portugal in the summer of 1982.

"Arise and walk!".¹ The notion that the artist, like God, could bring to life what no longer existed was a potent one in a country and a period in which the neo-classical belief that the function of art was to imitate nature was still taken seriously.²

Herculano, at least, considered this notion carefully on various occasions. In the well-known essay 'Poesia: imitação-bello-unidade' ('Poetry: imitation-beauty-unity') of 1835, he rejected the neo-classical theory of imitation in favour of the idealistic belief that beauty exists not in the outside world but 'within us, in the world of ideas'.³ But there are modifications to this theory in some of his later articles, written in the 1840s when he was preoccupied with the problems of history and of historical fiction. Here, Herculano concerns himself with the relationship between the imaginative creations of the artist and historical or contemporary reality. These articles are 'A Velhice' ('Old Age'), 'A Vida Soldadesca' ('The Soldier's Life') and 'Os Egressos' ('The Expelled Monks'), published in 1840, 1841 and 1842 respectively. Apart from Vitorino Nemésio's tantalizingly brief reference to 'A Velhice', I believe that no one has used these articles as sources for Herculano's literary theory.⁴

However, they are of considerable interest, because they not only contain modifications of Herculano's earlier views, but also approach literature from a radically different direction. The articles, like 'Poesia: imitação-bello-unidade', published under the heading of 'Literatura' in the ninth volume of the *Opúsculos* (*Minor Works*), are the record of Herculano's experiences as a reader. The three articles of 1840-1842, which do not appear in that collection, show him dealing with the problems of being a writer.

It is, paradoxically, probably because 'A Velhice' and 'Os Egressos' are about Herculano's work as a writer that their status

¹ L.A. Rebello da Silva, 'O Monge de Cister', *A Época*, 1848, pp. 216-21; see at p. 216 and p. 218. All references in this article are to the original texts. The translations, which are all my own, have not been published before.

² Ofélia Milheiro Caldas Paiva Monteiro, *A Formação de Almeida Garrett*, Coimbra: Centro de Estudos Românicos 1971, ii, 166-69.

³ 'em nós, no mundo das idéas'. Alexandre Herculano, 'Poesia: imitação-bello-unidade', in *Opúsculos*, Lisbon: Bertrand 1907, ix, 23-72; at p. 37.

⁴ Vitorino Nemésio, 'Prefácio', in Alexandre Herculano, *Lendas e Narrativas* (ed. Vitorino Nemésio and António C. Lucas), Amadora: Bertrand 1978, i, vii-xxi; at pp. x-xiii.

as documents of literary theory has been ignored.⁵ Because of his belief that the poet, as any other imaginative writer, draws his inspiration from within, his experiences and preoccupations as a man form the basis of his work, with the result that the latter cannot be understood without the former. There is, therefore, a good deal of non-literary material in the articles to which I have referred, and this may have obscured the important ideas about literary creation, and especially about the role of the imagination, which they contain.

The literary theory which Herculano had expressed in 'Poesia: imitação-bello-unidade' gives great responsibility to the artist. But in the 1830s, the period of *A Harpa do Crente* (*The Harp of the Believer*) and *A Voz do Profeta* (*The Voice of the Prophet*), Herculano accepted this responsibility confidently. In 'A Semana Santa' ('Holy Week') - which he later came to see as a youthful work⁶ - the poet has a vision of the Last Judgment. The dead arise from their graves, and are awarded eternal bliss or punishment. Herculano is confident of the truthfulness of his vision and of his role as prophet:

No! - it was not an empty dream, the vague delirium of a burning imagination. I was carried, leaping beyond time, to the late hours when scenes of mystery occur, to say: 'Tremble! Even in the shadow of the altar, the last sleep can be a troubled one!'.⁷

In this passage, then, Herculano feels able to predict the condemnation even of those who are buried in church. However, this sublime self-assurance begins to disappear later. Vasco Graça Moura has shown how 'Num Album' ('In an Album'), written between 1843 and 1848, that is, after the publication of *A Harpa do Crente*, mocks the pretension of the earlier work. In 'Num Album', the poet laughs at his own feelings: 'Afterwards, feeling depressed, he stops to think about himself, he finds in his breast

⁵ 'A Vida Soldadesca', like the other two articles mentioned, is partly concerned with literary theory. It adds little to 'A Velhice', however, and will not be discussed in detail here.

⁶ Alexandre Herculano, 'Nota' to 'A Semana Santa', in *Poesias* (ed. Vitorino Nemésio and António C. Lucas), Amadora: Bertrand 1977, i, 3-44; at p. 37.

⁷ 'Não! - não foi sonho vão, vago delírio/De imaginar ardente. Eu fui levado,/Galgando além do tempo, às tardas horas,/Em que se passam cenas de mistério,/Para dizer: Tremei! Do altar à sombra/Também há mau-dormir de sono extremo!' (*Ibid.*, p. 20, lines 305-10).

a wilderness, and sadly laughs.⁸

The articles of the 1840s also reveal Herculano as much less confident of his role as an interpreter of God's word to man and of the creative power of the imagination. All three texts show how the writer should use his imagination in the service of justice, which it is the duty of a Christian society to maintain, but the boldness of 'A Semana Santa' has been replaced by a much more tentative account of the relationship between imagination and reality and between God and man.

In 'A Velhice' Herculano describes an incident in his military service during the civil war of 1832-1834, when he had given alms to a pathetic old blind beggar. The old man, worn by age and suffering, is no longer capable of rational speech, but Herculano can imagine the details of his tragic life, and uses what he has imagined to arouse the pity of his fellow-countrymen for others in a similar situation. Herculano describes the appearance of the beggar and exactly when and why his imagination got to work on him.

The appearance of the beggar was serene, like that of a baby sleeping in its cradle, or a corpse sleeping in its shroud, because both are tranquil at heart, because neither is *living*.

Vegetating is not living. The old man was simply vegetating.

This is perhaps the greatest of human miseries.

And I had pity on the old man, as the Gospel ordains, grieving at the spiritual agony he must have endured, to the point of making him incapable of feeling.

It was then that I peopled his life with events. Who knows if my imagination told me more of the truth than the beggar's own narration would have done!⁹

⁸ 'Depois, desanimado/Pára a pensar em si,/Acha no seio um ermo/E tristemente ri.' Vasco Graça Moura, 'Herculano Poeta', in *Herculano e a sua Obra*, Oporto: Fundação Eng. António de Almeida, 1978, pp. 43-77, at pp.57-60. The quotation from 'Num Album' comes from *Poesias*, i, 246.

⁹ 'Era sereno o parecer do mendigo, como o de uma criancinha que dorme em seu berço, como o de um morto que dorme em seu sudário; porque tanto um como o outro tem o coração tranquilo; porque nem um, nem outro vive.

Vegetar não é viver. O velho vegetava apenas. É talvez esta a maior das misérias humanas.

E eu tive dó do velho, como manda o Evangelho, condoendo-me das dores de espírito, que devia ter padecido, a ponto de lhe calejarem a sensibilidade.

Foi então que povoiei de sucessos a sua vida passada. Quem sabe se a imaginação me disse mais verdade do que me diria a narração do mendigo!' (Alexandre Herculano, 'A Velhice', in *Cenas de Um Ano da Minha Vida*, [ed. Vitorino Nemésio and António C. Lucas], Amadora; Bertrand 1973, pp. 79-91; at p. 85).

It is clear that there is a great difference between 'A Velhice' and 'A Semana Santa'. In the poem, Herculano imagines the Last Judgment (albeit rather conventionally) - a scene which no one has yet witnessed. In 'A Velhice' the work of the imagination is much more restricted. Herculano claims to have met and spoken to the person described there, and uses his imagination only to fill in those details which the beggar was too old to provide. Since the beggar is effectively dead, and is alone in the world, the true facts about him cannot be known, and the only way to reconstruct the biography of this living corpse is by the use of the imagination. From one point of view, then, Herculano's imagination can be seen to be subject to the scruples of an academic historian. But from another point of view, as Herculano explains, the imagination has something to offer which a factual account (itself limited by the extent of the veracity of the informer) could never do. The pathos of Herculano's account of the beggar will, he hopes, excite the pity of all those who have to do with afflicted old age.

In 'Os Egressos' of 1842, Herculano presents his ideas about the imagination in a more developed form. The piece is best-known for its passionate denunciation of the wrongs suffered by the religious orders of Portugal after the expropriation, by the liberal government, of their property. In order to achieve the right level of indignation among his readers Herculano created the pathetic figure of an evicted Benedictine wandering through a storm to his death from exposure, and several pages at the start of the article are devoted to describing the imaginative process whereby this figure came into being.

Herculano describes himself alone, one November evening, in his study, far from any kind of social distraction, and busy with historical research into the relationship between the King and the Papacy in the early Middle Ages. But the evening happens to be stormy, and on such an evening his thoughts wander from history to contemporary problems. It is at this stage that his vision of the poor Benedictine occurs. At first, Herculano rejects his vision, and turns up his lamp in order to banish it. But then something unexpected happens:

I raised my arm to trim the lamp, and my head to see if my work was good. I don't know if, by these words, I am making a wrong use of biblical reminiscence. The theologians will tell me.

Let there be light - and there was. The lamp gave forth a brilliant ray, which flooded the whole room.

If only I had never committed this act of omnipotence! In the doorway opposite, which led into

another unlit room, was the figure I had seen in my waking dream.¹⁰

Like Rebello da Silva, Herculano sees his creation as analogous to God's. But in Herculano's creation there is no divine light and life, but instead darkness and death. The old Benedictine is near the end of his life, and the landscape through which he is trudging is also a strangely lifeless one. Apart from the dying monk himself, whose habit is as cold and damp as the ground in which he will soon be lying, the only other living things in Herculano's imaginary landscape are the trees which line his road, and they look black and corpse-like.

Herculano's vision is, then, of a shadowy, unreal kind. Its intensity diminishes as the essay continues, until eventually only the old man's voice is heard, chanting the psalms. Nor is the figure of the Benedictine a product only of Herculano's imagination, as its origins lie in his knowledge of history and experience of life. He hints that he had personally witnessed the expulsion in 1834 of the monks from the monastery of Santa Cruz in Coimbra, and it is certainly possible that the dying monk of the vision of 1842 is the same as the pathetic old man forced to leave his cell by the Liberals eight years previously. Even if he is not, Herculano can relate his vision to reality because it occurred at a moment when he was studying ecclesiastical history, and in particular the *Monarquia Lusitana* of Frei António Brandão, an author and a personality whom he admired. He knows something about friars, and is therefore in a good position to invent one. In any case, since the old man (like the beggar of 'A Velhice') is without friends, colleagues or family, and will soon be dead, no one is likely to gainsay Herculano's portrait.

But if Herculano is careful to create a plausible vision, which is compatible with reality, he still makes high claims for it. In comparison with the lies of the bureaucrats who have failed to provide justice for the victims of public policy towards the religious orders, 'The reality is my vision; the priest, the monk, is now a beggar.'¹¹ The brutal injustice of this fact is

¹⁰ 'Ergui o braço para a espevitar [the lamp], e a cabeça para ver se a minha obra era boa. Não sei se nestas palavras abuso das reminiscências bíblicas. Os teólogos o dirão.

O meu fiat lux foi cumprido. O candeeiro despediu um clarão brilhante, que alagou todo o aposento.

Nunca eu tivera praticado este acto de onipotência! Numa porta fronteira, que dava para outro aposento desalumiado, estava o vulto que vira no meu devaneio de homem acordado'. (Alexandre Herculano, 'Os Egressos', in *Opúsculos*, Amadora; Bertrand n.d., i, 133-52; at p. 140).

¹¹ 'A realidade é a minha visão; é que o monge, o sacerdote, se converteu em mendigo.' (*Ibid.*, p. 143).

made far more vivid by Herculano's invented portrait of just such a monk.

In the articles which have just been discussed, then, Herculano sees reality and imagination as related and interdependent. But his interest is not exclusively in the creations of the writer - he is also interested in the situation of the writer himself. In the poetry of the 1830s and in *A Voz do Profeta* Herculano saw the writer as a solitary prophet, outside ordinary life and superior to it. However, by the time of 'A Velhice' and 'Os Egressos' he had become aware that the writer occupies a more ambiguous position. In 'A Velhice', Herculano confesses that when he first gave alms to the beggar he laughed at himself for doing so. Later, as he explains, he overcame this feeling, and released in himself a sense of Christian charity, but he remained aware that he was not always so much better than the society he condemned.

Exactly the same occurs in 'Os Egressos'. Herculano's horror at the ill-treatment of the monks and friars is tempered by his awareness that he, too, was partly responsible for the suffering of the religious orders, and he appeals for 'Bread for the victims of my beliefs, your beliefs, the beliefs of our age. They are dying of hunger and of cold!'¹² It is perhaps because he knows himself to be compromised that, although he hints at eternal punishment for the Portuguese on the last page of his article, he does not precisely spell out what will happen. By the 1840s Herculano had lost his metaphysical certainties. The best-known expression of his doubts occurs in *O Pároco de Aldeia*, of 1843-44, where he praises the moral values of Christ's teaching, but questions his divinity.¹³ They are apparent in 'Os Egressos' also, particularly when Herculano speaks of his 'efforts, often ineffective, to reach the truth which calmly awaits us, after our death, in the expanses of endless time'.¹⁴ In 'A Semana Santa', however, he had described the Last Judgment without qualms.

Herculano began to publish fragments of *Eurico* in the *Revista Universal Lisbonense* in 1842, and the novel appeared complete in 1844. It is, therefore, contemporary with 'A Velhice' and 'Os Egressos', and expresses many of the same doubts. Nevertheless, it is also the most imaginative of Herculano's historical novels. He himself denied that the book was a historical novel at all, because there was not enough information available about

domestic life in the Visigothic period to justify that description of it. In the introduction to the book he calls it 'a chronicle-poem, legend or whatever you like'.¹⁵ This statement about *Eurico* should not be taken entirely at face value - Chapter I, for instance, is a factual account of the Visigoths - but there is much less of an attempt to evoke daily life in bygone eras than there is in *O Bobo (The Fool)* or *O Monge de Cister*. A comparison between the supposed origins of *Eurico* and *O Monge de Cister* also shows the extent to which Herculano was prepared to let *Eurico* be read as a fantasy. He says that he came across both stories in a Gothic manuscript, which once belonged to an old monastery in Minho. In *Eurico* this piece of Romantic nonsense passes almost unnoticed, but in *O Monge de Cister* Herculano, stung by the hostile reception of the first volume of his *História de Portugal*, mocks at length those people who believe the unsupported word of a historian who bases his work on the evidence of a manuscript which only he has seen.¹⁶

All this does not mean that *Eurico* is an uncontrolled fantasy. By choosing as the hero of the novel a creative artist, whose poems in many ways resemble the fantasies of 'Os Egressos' and his other articles about the imagination, Herculano was able to explore once again the scope and limitations of fiction.

In 'Recordações', ('Memories'), the first of his visions, *Eurico* describes himself as meditating, one December midnight, in a graveyard. Not surprisingly, he feels intensely alone: no one but *Eurico* would dare to approach such a place at such an hour. His thoughts are on what lies beyond the grave, but they give him no comfort. Like the Herculano of 'A Velhice' and 'Os Egressos', *Eurico* is on his own, striving, without success, to penetrate the mysteries of death. In the next section of the vision his thoughts turn to the history of the Visigoths and, in particular to the heroic day, three centuries previously, when the sons of Teodorico avenged their father, who had fallen in battle against Attila. As he does so, his imagination brings alive the distant past. But the scene thus brought alive, like the equivalent scene of the old Benedictine in 'Os Egressos', is one of death: the bodies of the Huns who had been killed following the revenge taken by Teodorico's sons.

Eurico's vision of the impending Arab invasion of Spain and of the collapse of the Visigothic empire, in 'A Visão' ('The vision'), has much in common with his visions of the past. What

¹² 'Pão para os que foram vítimas das crenças, minhas, vossas, do século, e que morrem de fome e de frio!' (*Ibid.*, p. 151).

¹³ Alexandre Herculano, *O Pároco de Aldeia*, (ed. Vitorino Nemésio and Maria Petronila Limeira), Amadora: Bertrand 1969, p. 27.

¹⁴ *Esforços não raro ineficazes para alcançar a verdade, que, além da morte, nos espera tranquila nas ampliações do tempo sem fim* (*Opúsculos*, p. 136).

¹⁵ 'Crónica-poema, lenda ou o que quer que seja'. Alexandre Herculano, *Eurico o Presbítero (Eurico the Presbyter)*, (ed. Vitorino Nemésio and António C. Lucas), Amadora: Bertrand 1980, pp. 5-6.

¹⁶ Alexandre Herculano, *O Monge de Cister*, (ed. Vitorino Nemésio and António C. Lucas), Amadora: Bertrand 1977-78, ii, 339-47.

Eurico sees, when he is mysteriously transported to the top of the rock of Calpe, is, in a far more exaggerated form, the lifeless landscape of 'Os Egressos'. From the top of the rock the sea seems still and corpse-like, while the oppressive, windless atmosphere is 'like the shroud of the deceased, over whose grave the earth has been well trodden down, cold, wet and heavy'.¹⁷ Eventually the rock itself disintegrates and, like melted snow, forms a smooth, dead lake. Above this strange landscape Eurico sees two clouds, one from Africa, the other from Europe. They meet and, in another image of violence and death, he seems to hear the clash of armies.

Eurico's visions depend on the same attitude to the imagination that Herculano had expressed in the articles discussed earlier. Like those of 'A Velhice' or 'Os Egressos', they are intended to have a moral function, to excite the Visigoths' sense of filial duty or to warn them of the consequences of their corruption and wickedness. Despite their intensity, however, they are no more than momentary glimpses of the past and the future, because they are visions of death and dying, and cannot therefore last long. The poet may be a creator, but his creations are threatened by mortality, while he himself is compromised by the guilt which he shares with other members of society. The Visigothic clergy was corrupt, and in his own way Eurico shared that corruption.

Most people will be familiar with the details of Eurico's failings as a priest. It may perhaps be worth recalling, though, that Eurico, the young poet and warrior, fell in love with Hermengarda, the daughter of the haughty Fávila, who rejected Eurico as a suitor because of his inferior social position. In despair, Eurico became a priest, but even after taking his vows he was unable to banish the vision of Hermengarda from his mind. For Eurico, the vision of Hermengarda has replaced the vision of heaven. His tortured glimpses of the past and of the future are the result of his feelings of guilt. But although these feelings gave him a heightened understanding of his own society, they also inhibited him from making his understanding public. Eurico's feelings for Hermengarda were a closely guarded secret, and he was taken as a model of priestly rectitude. If he had published his visions, no one would have believed them. Just as, in 'Os Egressos', Herculano could not spell out the punishment which awaits a guilty society, so Eurico did not reveal his forebodings about the future. The poet's guilt prevents him from fulfilling himself and diminishes the value of what he can contribute.

Herculano's attitude to Eurico is a double one. On the one hand, Eurico, like Herculano, is a creative writer, and there are parallels between their work. On the other, Eurico is a creation

of Herculano's, like the beggar and the friar of the articles. Herculano's attitude to all three victims of society is broadly similar.

As a celibate priest, deprived of the saving power of love, Eurico's position arouses Herculano's sense of injustice and his imaginative powers just as the old beggar or the old Benedictine had done and, like them, he is seen as dead or dying, even when he is alive. In Chapter 2 Herculano says of Eurico that his rejection by Hermengarda amounted to a kind of spiritual death, and this idea pursues the hero throughout the novel. It appears in 'A Visão', and both Eurico and the narrator refer to it several times in the interview between the hero and heroine in Covadonga, Eurico particularly dramatically when he asks Hermengarda to imagine what it is like to spend ten years bound to one's own corpse. But the notion of spiritual death is not an entirely tragic one. It is also the state of mind typical of the poet, as Eurico confesses in 'Recordações':

I was led to the wilderness [the rock of Calpe] by an inner feeling, the feeling that I had woken, still alive, from this feverish dream called life. This is a dream from which no one wakes, except after death. Do you know what is this awakening of the poet?¹⁸

The notion of the spiritual death of the poet ties many of Herculano's thoughts about the imagination together. The loss of belief in the immortality of the soul, and the resulting sense of spiritual death, means that the poet does not have the comfortable certainties of ordinary men. But such comfortable certainties prevent ordinary men from making those anguished speculations about life beyond the grave, historical and metaphysical, which are the prelude to imaginative activity. The poet's spiritual death also suggests that, at least in part, the origin of imaginative activity is supernatural. If the poet belongs in part to the timeless world of the dead he can glimpse the past and the future - though, because he is also human, his visions are themselves doomed to perish and are therefore of death and dying, and set in a nightmarish moribund landscape.

Herculano does not only use his hero's ambiguous state, between life and death, to express the sufferings and achievements of the poet or the tragedy of the celibate priest. The same ambiguity can also indicate that Eurico is not a historical character, but a figment of Herculano's imagination. Even at the moment of the most daring physical activity the hero seems not to be truly alive. Eurico's boldest feat is probably his rescue of

¹⁸ 'Arrastava-me para o ermo um sentimento íntimo, o sentimento de haver acordado, vivo ainda, deste sonho febril chamado vida, e de que hoje ninguém acorda, senão depois de morrer. Sabeis o que é esse despertar de poeta?' (Ibid., pp. 36-37).

¹⁷ 'Semelhante ao lençol do finado a quem recalçaram a gleba que o cobre, frio, húmido, pesado.' (Eurico, pp. 57-8).

Hermengarda, which Herculano takes four chapters to tell. The climax of the rescue occurs when Eurico carries Hermengarda's insensible body across a fallen oak, the only bridge over the river Sália. Eurico's companions watch, fascinated, as he carries Hermengarda to the river, and notice that a mysterious change had come over him. His walk was stiff and slow, like a ghost's: his footsteps made no sound, and it seemed as though his heart had stopped beating, and his lungs breathing. Hermengarda, too, is convinced that she has been in the arms of a corpse.

Herculano makes his hero unreal at least in part because of his dubious historical status. Since there is no documentary evidence for his existence, he cannot live in the same concrete way as the other characters. The notes to the novel, and the epigraphs of the chapters, show that Herculano consulted historians of his own and of earlier periods in the course of his researches into the last days of Visigothic Spain. This period he also covered, briefly, in the introduction to his *História de Portugal*. No one corresponding to Eurico is mentioned by any of these writers, or by Herculano himself, except in the novel. Most of the other major characters are historical, however. The faithful but ultimately doomed Teodomiro, the Moors Táriq and Abdulaziz, Pelágio and his father Fávila: all these are regarded as genuine by the medieval chroniclers and by Masdeu, Romey and St-Hilaire, the eighteenth- and nineteenth-century authorities whom Herculano also consulted. Herculano included in his novel such details of the personalities of these people as were known. Abdulaziz, for instance, had a notorious penchant for Christian ladies.¹⁹ Several authorities claim to record Pelágio's speech before the battle of Cangas de Onís: Herculano could have deduced from this Pelágio's courage and defiance.²⁰ Even the sacrifice of Cremilde and her nuns can be supported by documents, though they refer to a later period, as Herculano admits.

The chief events of the book are also to be found in the sources. The Arabs did indeed land on the Ilha Verde, and subsequently occupied the rock of Calpe. The battle of Chrysus lasted three days according to some authorities, eight according to others. Herculano decided that the shorter period was the more likely. The night attack and the crossing of the river by Christians is Herculano's invention, but it is a plausible invention given that the battle took place on the banks of the Guadalete (or Chrysus). Most writers agree that treachery was the cause of the Christian defeat, while there is uncertainty as

to whether Rodrigo fled from the field or was killed there. While Herculano eventually concludes that Rodrigo did die fighting, there is a reference to the controversy about his conduct in that Eurico at first believed that he had deserted the army.²¹ In the second battle described in *Eurico*, Cangas de Onís, Herculano again followed his sources, particularly in the details of the ambush which Pelágio prepared for the advancing Moors.²²

Even the abduction of Hermengarda by the Moor Abdulaziz, and her subsequent rescue, has a shadowy basis in history, since there is a traditional story about the abduction of an unnamed sister of Pelágio's. St-Hilaire dismisses it as a fable, but Herculano must have known it, because he quotes Rodrigo de Toledo, one of the sources of the fable, in the epigraph to Chapter Nine.²³ According to Rodrigo, the renegade Christian Munuza abducted Pelágio's sister by luring him away on a bogus embassy to Córdoba. On his return Pelágio retrieved his sister, without difficulty, and withdrew with her into the mountains. In order to anticipate any possible revenge, Munuza instigated Táriq against Pelágio, but the latter escaped across a swollen river where the Moors could not follow him. (At this point the sister, who is never named, seems to disappear from the story.) Then follows the battle of Cangas de Onís, and the victory of Pelágio. After the battle some of the retreating Moors are killed by a rock-fall as they cross another river, while Munuza is liquidated by the Asturians.²⁴

Herculano clearly found several suggestions in this tale for his novel. The abduction of Pelágio's sister, the pursuit across the river and the drowning of the Moors all form part of *Eurico*. Herculano would not have felt himself under an obligation to follow every detail of Rodrigo's tale exactly, because it was regarded as a fable by the critical historians of the nineteenth century. Nevertheless, Herculano's use of it is revealing of the restraints he placed on his imagination. The totally fantastic is never permitted. Even Eurico never does anything which is actually impossible, and in any case Herculano stresses his fictional status throughout. It is certainly unlikely that Eurico could have rescued Hermengarda as he did, or have caused so much havoc in the Moorish army at the battle of Chrysus, but even with his brave deeds he did not alter the course of history. He was

¹⁹ M. Rosseeuw St-Hilaire, *Histoire d'Espagne depuis l'invasion des Goths jusqu'au commencement du XIXe siècle*, Paris: F.-G. Levrault 1837-79, ii, 73-5.

²⁰ See, for example, Juan Francisco de Masdeu, *Historia crítica de España, y de la cultura española*, Madrid: Don Antonio de Sancha, 1793-1805, xii, 55-6.

²¹ St-Hilaire, *op.cit.*, i, 370-77.

²² *Ibid.*, ii, 292-94.

²³ *Ibid.*, ii, 291.

²⁴ Rodrigo de Toledo, 'D. Roderici Ximenez Navarri Archiepiscopi Toletani, rerum in Hispania gestarum libri ix', (ed. Andreas Schottus), in *Hispaniae Illustratae*, Frankfurt 1603-06, ii, 25-148; at pp. 67-71.

unable to avert a Christian defeat at Chrysus, and he took no direct part in the Christian victory of Cangas de Onís.

Herculano's serious consideration of the central problem of the historical novelist, the relationship between fact and fiction, and the variety of artistic solutions that he found for it, are the most original feature of his novels and stories. Otherwise, there is much that is conventional in *Eurico*, as in the rest of his historical fiction. There is a highly-charged, gloomy atmosphere about the book which has obvious affinities with the Gothic novel, which was very popular in Portugal in the early nineteenth century.²⁵ Historical fiction, too, came relatively late to Portugal, and Herculano knew the work of Hugo, Vigny and especially Scott, to all of whom he refers in 'A Velhice'.

Scott himself had described the fall of the Visigoths in his poem *The Legend of Don Roderick*, which had been made known to Portuguese readers as early as 1811.²⁶ The work by Scott which most influenced Herculano was, however, *Ivanhoe*. An article in *Panorama* suggests that he was familiar with French and Portuguese translations, as well as with the original.²⁷ Readers of *Ivanhoe* will recognize in the black armour and concealed identity of Eurico Scott's Black Knight, who mysteriously aids the Saxons against their foreign oppressors until he is revealed as King Richard, returned from the Holy Land in disguise. One of the most striking features of *Eurico*, therefore, is very likely to come from a foreign source. The racial conflict between Saxon and Norman in *Ivanhoe*, too, may have inspired the conflict between Visigoths and conquering Moors in Herculano's novel. Herculano's admiration for *Ivanhoe* is visible in *O Bobo* as well as *Eurico*. The fool Dom Bibas, disguised as a monk, rescues Egas from the dungeon of the Castle of Guimarães just as, in Scott's novel, the fool Wamba, also in clerical disguise, rescues his master Cedric from the Castle of Torquilstone.

Ivanhoe was immensely popular throughout Europe in the nineteenth century, and Herculano's use of it should not be taken as proof that he had nothing of his own to contribute to the historical novel. In particular, the seriousness with which he

faced the central question of truth and fiction contrasts markedly with the approach of other writers, Vigny as well as Scott. Scott prefers to argue his way round the problem, rather than face it head on. In the Dedicatory Epistle to *Ivanhoe*, he writes:

Still the severer antiquary may think that, by thus intermingling fiction with truth, I am polluting the well of history with modern inventions, and impressing upon the rising generation false ideas of the age which I describe. I cannot but in some sense admit the force of this reasoning....

Scott goes on to defend himself by speaking of the need to make the past intelligible to the present, and this is a defence that has been accepted by critics like Lukács, because - he claims - it shows that Scott was aware of the true dynamics of history.²⁸ However, it remains the case that Scott, especially in *Ivanhoe*, introduced fictional material without warning his readers that he was doing so, and without distinguishing that material from fact.

Scott returned to the relationship between truth and fiction in the Introductory Chapter of a later novel, *The Fair Maid of Perth*. There, in the person of Chrystal Croftangry, he refers to it with a good deal of cynicism:

I am quite conscious of my own immunities as a tale-teller. But even the mendacious Mr Fagg, in Sheridan's *Rivals*, assures us, that though he never scruples to tell a lie at his master's command, yet it hurts his conscience to be found out. Now, this is the reason why I avoid in prudence all well-known paths of history, where every one can read the finger-posts carefully set up to advise them of the right turn....

In his 'Réflexions sur la vérité dans l'Art', the preface to *Cinq-Mars*, Vigny also showed little respect for factual truth. For him, what he called artistic truth was far more important than mere factual accuracy, as the text of his novel reveals. In the 'Réflexions', he had stated clearly that 'la VÉRITÉ dont il l'art doit se nourrir est la vérité d'observation sur la nature humaine, et non l'authenticité du fait'.²⁹

Herculano is very far removed from this cavalier approach. There is plenty of imaginative material in his novels, but he remains conscious, nearly always, of the need to distinguish such

²⁵ Maria Leonor Machado de Sousa, *O 'Horror' na Literatura Portuguesa*, Lisbon: Instituto de Cultura Portuguesa 1979, pp.60-61.

²⁶ 'A Visão de Dom Roderigo, Poema', *O Investigador Português em Inglaterra*, November 1811, pp. 151-62.

²⁷ 'Ivanhoe traduzido em vulgar', *Panorama*, 28 April 1838, 134. This unsigned article was attributed to Herculano by Gomes de Brito, 'Alexandre Herculano: estudos critico-bibliográficos', in *Dicionário bibliográfico português de Inocencio Francisco da Silva* (23 vols.), Lisboa and Coimbra 1858-1958, xxi (1914), 345-695; at p. 547.

²⁸ Georg Lukács, *The Historical Novel* (transl. by Hannah and Stanley Mitchell), Harmondsworth: Penguin 1981, pp. 68-69.

²⁹ Alfred de Vigny, *Cinq-Mars*, preface by Pierre Gascar, Paris: Gallimard 1980, pp. 28-29.

material from historically accurate information. Herculano's attempts, in *Eurico* and, in different ways, in the other novels and stories, to combine the imaginative and the factual give his historical fiction its greatest claim to originality. It is for this reason that Eurico is a much more interesting figure than Scott's Black Knight. Richard is in disguise for political purposes: he does not want to reveal his identity until he is strong enough to challenge his brother John. The mystery does not go beyond this. The mystery of Eurico is far more significant, and his whole nature is profoundly ambiguous. Poised between reality and unreality, life and death, he expresses the dilemma of the historical novelist who wishes to recreate the past but knows that to do so with total truthfulness is impossible.

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